

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

RAYMOND ANTHONY SMITH, as
Administrator of the Estate of George Eric
Smith, deceased

Plaintiff,

v.

THE ISLAMIC EMIRATE OF
AFGHANISTAN, et al.

Defendants.

CASE NO. 01-cv-10132-LAK

DECLARATION OF JAMES E.
BEASLEY, JR.

I, James E. Beasley, Jr., hereby declare:

1. I hold a license to practice law in the Commonwealth of Pennsylvania, and am admitted *pro hac vice* to the bar of this Court. I am a partner and managing member of The Beasley Firm, LLC, attorneys for the Smith/Soulas Judgment creditors. This declaration is presented in support of the Smith/Soulas Motion for Asset Turnover from Garnishee Federal Reserve Bank of New York. I offer this Declaration based upon information known to me or facts and circumstances which I believe to be accurate. If needed, I can testify to the information contained within this Declaration.
2. On 14 November 2001, this suit was started; beginning 28 February 2003 and extending in the following week, the Smith/Soulas plaintiffs presented evidence to the Honorable (dec.) Harold Baer for their claims against, inter alia, the Taliban and the Islamic Emirate of Afghanistan (Taliban).
3. On 7 May 2003, Judge Baer issued his Opinion and Order (ECF 25) finding in favor of the Smith/Soulas plaintiffs; pursuant to the Terrorism Risk Insurance Act of 2002 (TRIA) and supporting laws, Judge Baer awarded a total of \$59,262,189.57 (not including statutory interest) as against the Taliban defendants.
4. On 14 July 2003, Judgment was entered in favor of the Smith/Soulas plaintiffs and against, *inter alia*, the Taliban and Islamic Emirate of Afghanistan. ECF 28.
5. ECF 41 is the 22 February 2022 Writ of Execution issued by the Clerk of this Court against the Taliban assets held at the Federal Reserve Bank of New York (FRBNY)

via the assets of the Da Afghanistan Bank (DAB). This Writ was served on the garnishee FRBNY via the US Marshal Service on 14 March 2022.

6. ECF 48 is this Honorable Court's Order extending, indefinitely, the Writ of Execution.
7. Attached as Exhibit one (1) is a schedule of interest to be applied to the judgment as identified in the Writ of Execution. These calculations are pursuant to 28 U.S.C. § 1961. The interest continues to accumulate; this is as of 4 May 2022.
8. This Smith/Soulas claim is the first, valid Judgment against the Taliban and the third Writ of Execution as to the Taliban/DAB assets sought and held at the FRBNY; *Havlish v. bin Laden, et al.*, 03-MD-01570 (GBD)(SN) and *Doe v. The Taliban, et al.*, 1:20 mc 00740-GBD are, respectively, the first and second filed and served Writs of Execution. These three Writs of Execution seek less than the total funds held and available for the respective Writs of Execution.

This declaration is made under penalty of perjury and is executed in Philadelphia, Pennsylvania, USA on 12 May, 2022.


James E. Beasley, Jr.

The Beasley Firm, LLC
Interest Calculation on Judgement
Last Updated: 05.04.2022

	Principal	Annual Rate	# Years Compounded	# Times Compounded	Compounded Amount	Days	Daily Rate	Additional Interest	Total Outstanding	Principal Balance	Accrued Interest	Total @ 5.4.22
George Eric Smith												
<i>Economic Damages</i>												
Funeral Services	\$ 1,580.00	1.08%	18	1	\$ 1,917.04	293	0.0029589041%	\$ 16.62	\$ 1,933.66	\$ 1,580.00	\$ 353.66	\$ 1,933.66
Lost Earnings	\$ 1,113,280.00	1.08%	18	1	\$ 1,350,761.29	293	0.0029589041%	\$ 11,710.55	\$ 1,362,471.84	\$ 1,113,280.00	\$ 249,191.84	\$ 1,362,471.84
Sub-Total	\$ 1,114,860.00				\$ 1,352,678.33			\$ 11,727.17	\$ 1,364,405.50	\$ 1,114,860.00	\$ 249,545.50	\$ 1,364,405.50
Treble Damages	\$ 2,229,720.00	1.08%	18	1	\$ 2,705,356.66	293	0.0029589041%	\$ 23,454.33	\$ 2,728,810.99	\$ 2,229,720.00	\$ 499,090.99	\$ 2,728,810.99
Total Economic Damages	\$ 3,344,580.00				\$ 4,058,034.99			\$ 35,181.50	\$ 4,093,216.49	\$ 3,344,580.00	\$ 748,636.49	\$ 4,093,216.49
<i>Pain & Suffering</i>												
Pain & Suffering	\$ 1,000,000.00	1.08%	18	1	\$ 1,213,316.76	293	0.0029589041%	\$ 10,518.96	\$ 1,223,835.72	\$ 1,000,000.00	\$ 223,835.72	\$ 1,223,835.72
Treble Damages	\$ 2,000,000.00	1.08%	18	1	\$ 2,426,633.53	293	0.0029589041%	\$ 21,037.92	\$ 2,447,671.45	\$ 2,000,000.00	\$ 447,671.45	\$ 2,447,671.45
Total Pain & Suffering	\$ 3,000,000.00				\$ 3,639,950.29			\$ 31,556.88	\$ 3,671,507.17	\$ 3,000,000.00	\$ 671,507.17	\$ 3,671,507.17
Total - George Eric Smith	\$ 6,344,580.00				\$ 7,697,985.28			\$ 66,738.38	\$ 7,764,723.66	\$ 6,344,580.00	\$ 1,420,143.66	\$ 7,764,723.66
Timothy Soulas												
<i>Economic Damages</i>												
Funeral Services	\$ 18,603.19	1.08%	18	1	\$ 22,571.56	293	0.0029589041%	\$ 195.69	\$ 22,767.25	\$ 18,603.19	\$ 4,164.06	\$ 22,767.25
Lost Earnings	\$ 15,120,600.00	1.08%	18	1	\$ 18,346,077.48	293	0.0029589041%	\$ 159,052.95	\$ 18,505,130.43	\$ 15,120,600.00	\$ 3,384,530.43	\$ 18,505,130.43
Sub-Total	\$ 15,139,203.19				\$ 18,368,649.04			\$ 159,248.64	\$ 18,527,897.68	\$ 15,139,203.19	\$ 3,388,694.49	\$ 18,527,897.68
Treble Damages	\$ 30,278,406.38	1.08%	18	1	\$ 36,737,298.07	293	0.0029589041%	\$ 318,497.28	\$ 37,055,795.35	\$ 30,278,406.38	\$ 6,777,388.97	\$ 37,055,795.35
Total Economic Damages	\$ 45,417,609.57				\$ 55,105,947.11			\$ 477,745.92	\$ 55,583,693.03	\$ 45,417,609.57	\$ 10,166,083.46	\$ 55,583,693.03
<i>Pain & Suffering</i>												
Pain & Suffering	\$ 2,500,000.00	1.08%	18	1	\$ 3,033,291.91	293	0.0029589041%	\$ 26,297.39	\$ 3,059,589.30	\$ 2,500,000.00	\$ 559,589.30	\$ 3,059,589.30
Treble Damages	\$ 5,000,000.00	1.08%	18	1	\$ 6,066,583.82	293	0.0029589041%	\$ 52,594.79	\$ 6,119,178.61	\$ 5,000,000.00	\$ 1,119,178.61	\$ 6,119,178.61
Total Pain & Suffering	\$ 7,500,000.00				\$ 9,099,875.74			\$ 78,892.18	\$ 9,178,767.92	\$ 7,500,000.00	\$ 1,678,767.92	\$ 9,178,767.92
Total - Timothy Soulas	\$ 52,917,609.57				\$ 64,205,822.85			\$ 556,638.10	\$ 64,762,460.95	\$ 52,917,609.57	\$ 11,844,851.38	\$ 64,762,460.95

8 U.S. Code Section 1961 - Interest

(A)

Interest shall be calculated from the date of the entry of the judgement (7/15/2003) at a rate equal to the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding the date of the judgement (week ending 7/11/2003, Rate: 1.08%)

(B)

Interest shall be computed daily to the date of payment except as provided in Section 2516(b) [Interest on a judgement against the United States affirmed by the Supreme Court after review on petition of the United States] and section 1304(b) of title 31 [relating to interest on a judgement of a district court, only when the judgements becomes final after review on appeal or petition by the United States Government] and shall be computed annually.

$$A = P (1 + R/N)^{NT}$$

A = Amount

P = Principal

R = Interest Rate

N = # of times interest compounded per T

T = Time

Interest Rate = 1.08%

There have been 18 full years of compounding through 7/15/2021

There have been 293 days of computed interest through 5/4/2022

<https://web.archive.org/web/20030714220959/http://federalreserve.gov/releases/h15/Current/>

<https://www.thecalculatorsite.com/articles/finance/compound-interest-formula.php>