

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

JOHN AND JANE DOES D-1, E-1 through E-14, F-1, G-1 through G-4, H-1 through H-3, I-1 through I-9, J-1 through J-6, K-1 through K-8, L-1 through L-2, M-1 through M-2, N-1 through N-3, O-1, P-1 through P-4, Q-1 through Q-3, R-1, S-1 through S-3, T-1 through T-5, U-1 through U-3, V-1 through V-5, W-1 through W-4, X-1, Y-1 through Y-2, Z-1 through Z-4, AA-1 through AA-7, BB-1 through BB-2, CC-1 through CC-6, DD-1, EE-1 through EE-2, AND FF-1 through FF-9, GG-1 through GG-2, HH-1

Plaintiffs,

v.

DEMOCRATIC PEOPLE’S REPUBLIC OF
KOREA Ministry of Foreign Affairs
Jungsong-Dong, Central District, Pyongyang,
Democratic People’s Republic of Korea,

Defendant.

CASE NO. 1:23-cv-00273-TJK

NOTICE OF SUIT

1. Defendant Democratic People’s Republic of Korea (“Defendant” or “North Korea”) has been sued in the United States District Court for the District of Columbia pursuant to the Foreign Sovereign Immunities Act and 28 U.S.C. § 1605A. Plaintiffs are individuals and the personal representatives of deceased individuals who were either crew members serving on the U.S.S. Pueblo ship or the immediate family members of such crew members when the ship was attacked on January 23, 1968, by North Korea, acting through its officials, employees or agents. The case is John and Jane Does D-1 through GG-2 versus Democratic People’s Republic of Korea, court docket Case. No. 1:23-cv-00273-TJK.

2. This Notice of Suit has four attachments:

The Second Amended Complaint, in which the Plaintiffs describe their claims for relief;

The Summons, a document issued by the court, informing you of this litigation, the time in which you must appear and defend, and the consequences of failure to do so;

The Foreign Sovereign Immunities Act of 1976 (“FSIA”), the statute that governs all civil litigation in U.S. courts against foreign states (including their agencies and instrumentalities) and that establishes the exclusive grounds for jurisdiction, State immunities, and service of process in all such cases.

The Offer to Arbitrate, in which, in accordance with § 1605A(a)(2)(A)(iii), Plaintiffs afford North Korea a reasonable opportunity to arbitrate the claim in accordance with accepted international rules of arbitration.

Translations into Korean of this Notice of Suit and its four attachments are included. These documents are being served in accordance with the requirements for service of process on a foreign state in 28 U.S.C. § 1608(a).

3. This legal proceeding is a civil action for money damages in which Plaintiffs, who are members of the armed forces, their immediate relatives or otherwise eligible Plaintiffs, allege that North Korea is liable under the private right of action provided by 28 U.S.C. § 1605A(c), which says, in relevant part:

A foreign sovereign that is . . . a state sponsor of terrorism . . . shall be liable to . . . (1) a national of the United States, (2) a member of the armed forces, (3) an employee of the Government of the United States . . . , or (4) the legal representative of a person described in paragraph (1), (2), or (3), for personal injury or death caused by acts described in subsection (a)(1) of that foreign state . . . for which the courts of the United States may maintain jurisdiction under this section for money damages. In any such action, damages may include economic damages, solatium, pain and

suffering In any such action, a foreign state shall be vicariously liable for the acts of its officials, employees, or agents.

4. Plaintiffs allege that North Korea is liable for the acts of torture, hostage-taking, and personal injury (including assault, battery, false imprisonment, intentional infliction of emotional distress, and loss of solatium under applicable federal common law or state law) committed against Plaintiffs resulting from the capture of the U.S.S. Pueblo and the captivity of its crew from January 23 to December 23, 1968. The Second Amended Complaint (“SAC”) alleges that the U.S. State Department designated North Korea a state sponsor of terrorism as described in § 1605A(a)(2)(A)(i) most recently on November 30, 2017. The SAC also alleges that North Korea and its officers, employees, and/or agents, while acting within the scope of their office, employment, or agency, attacked the U.S.S. Pueblo, captured and held hostage its crew for 11 months, during which time the hostages were physically and psychologically tortured and threatened with physical assault and death. The SAC also alleges that Defendant intentionally inflicted physical and emotional distress upon Plaintiff Crew Members, and intentionally or recklessly inflicted emotional distress and loss of solatium on Plaintiff Family Members.

5. Plaintiffs ask for an award of monetary compensation, in an amount to be determined at trial for severe physical and psychological harm suffered as a result of the actions of Defendant and its officials, employees, and/or agents, including but not limited to hostage-taking and torture of the U.S.S. Pueblo crew and any other relief as the court deems just and proper.

6. The SAC alleges that the court has jurisdiction over North Korea pursuant to the “Terrorism Exception,” of the Foreign Sovereign Immunity Act of 1976 (“FSIA”). That exception applies, *inter alia*, to a claim for money damages for personal injury against a foreign

state for an act of torture or hostage-taking if that foreign state has been designated a “state sponsor of terrorism.”

7. North Korea’s response to the Summons and SAC is required to be submitted to the Court not later than sixty (60) days after these documents are received by you. The response may present jurisdictional defenses (including defenses relating to state immunity).

8. If Defendant wants to accept Plaintiffs’ Offer to Arbitrate, it must do so within sixty (60) days of receipt of the offer by filing with the Clerk of this Court a Notice of Acceptance of Offer to Arbitrate in lieu of filing an answer or response to the SAC.

9. The failure to submit a timely response to the Court may result in a default judgment and a request for execution to satisfy the judgment. If a default judgment is entered, a procedure may be available to vacate or open that judgment.

10. Questions relating to state immunities and to the jurisdiction of United States courts over foreign states are governed by the Foreign Sovereign Immunities Act of 1976.

DATED: September 13, 2023

Respectfully submitted,

By: /s/ Mark. N. Bravin

Mark N. Bravin (D.C. Bar No. 249433)
J. Matthew Williams (D.C. Bar No. 501860)
Tiana A. Bey (D.C. Bar No. 1013476)
Albina Gasanbekova (D.C. Bar No. 1618930)
MITCHELL SILBERBERG & KNUPP LLP
1818 N Street NW, 7th Floor
Washington DC, 20036
(202) 355-7900 (Telephone)
(202) 355-7886 (Facsimile)
mnb@msk.com
mxw@msk.com
tab@msk.com
alg@msk.com

Attorneys for Plaintiffs