

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

**HOUSHANG BOUZARI, FERESHTEH YOUSEFI ,
SHERVIN BOUZARI and NARVAN BOUZARI**

Plaintiffs

-and-

**Mehdi Hashemi Bahremani aka RAFSANJANI,
Akbar Hashemi Bahremani aka RAFSANJANI,
Ali Fallahian Najaf ABADI, Gholam Hossein Mohensi EJEI,
John Doe aka SIYADATI, Bill Doe aka Akbari Rad MASSOUDI,
Tom Doe aka Mohammad Saeedi aka Asghar Saeedia aka MR. 99.**

Defendants

ENDORSEMENT

August 6, 2011

Mark H. Arnold for plaintiffs

1. Default Judgment against the Defendant Mehdi Hashemi Bahremani Rafsanjani.
2. Affidavits of Fereshteh Yousefi, Shervin Bouzari and Narvan Bouzari filed supplementary to the Motion Record. Leave granted to amend the Statement of Claim to increase monetary claims.
3. It is apparent from the material filed that the plaintiff, Houshang Bouzari, has endured unspeakably outrageous torture by the defendant or at his instigation. It is equally apparent that the plaintiff, Fereshteh Yousefi, was independently subjected to repeated mental distress by way of threats relating to the captivity and torture of her husband.
4. General damages are difficult to quantify as the quality of life for these plaintiffs has been permanently diminished and the psychiatric sequelae are continuing. The conduct of the defendant is of such heinous quality that punitive damages in very significant magnitude is, in my view, clearly called for. I take guidance in this respect from the U. S. Precedents and from compensation granted by the Government of Canada in a recent case of torture by a foreign state.
5. I am satisfied that this court ought, in the circumstances, to assume jurisdiction on

the basis of necessity. The plaintiffs are now Canadians and reside here. There is no reasonable basis upon which they can be required to commence the action in a foreign jurisdiction, particularly, the state where the torture took place, Iran. In this regard, I adopt the reasoning in *Van Breda v Village Resorts Ltd.*, 98 O.R. (3d) 721

6. Judgment to issue in the form filed.

Low J.

Aug. 26/11

Mr Arnold for Plaintiffs

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at

TORONTO

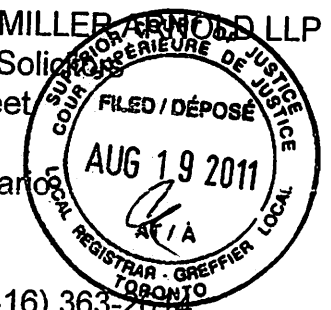
Default judgment against the Def.
Mehdi Hashemi Bahremani Rafsanjani.

Applicants of Fereshter Youssefi, Shervin
Bonzari and Karwan Bonzari filed supplementary
to the motion record. Leave granted to amend
the statement of claim to increase monetary
claim.

It is apparent from the material
filed that the plaintiff Houstrang Bonzari has
endured unspeakably outrageous torture
by the Defendant or at his instigation. It is equally
apparent that the plaintiff Fereshter Youssefi
was independently subjected to repeated mental
distress by way of threat relating to the
captivity and torture of her husband. General
damages are difficult to quantify as the quality
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are continuing. The conduct of the Defendant

NOTICE OF MOTION

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