

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

SEP 26 2006

PLAINTIFFS Ass'n for Restitution of Polish Assets & Property, Ass'n of Polish PreWar Bondholders, Polish Assets Redemption Corp Esther Sapir and Maria Ginter	DEFENDANTS Republic of Poland, Polish Ministry of Finance, Polish National Bank, City of Warsaw, Citibank d/b/a Citigroup USA, JP Morgan Chase & Co, Fleet Boston
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ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) Edward D. Fagan Esq., 80 Broad Street, 5th Fl., NY, NY 10004, (212) 837-7836 and Email: faganlawintl@aim.com	ATTORNEYS (IF KNOWN) Not Known
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CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

28 USC 1330 & 1605, ATCA, Expropriation/Taking of Assets, Fraud, Misrepresentation, Negligence, Breach of Contract, Conversion, Enjunt Enrichment, Spoliation of Evidence, Violation of Human Rights, Deceptive & Unfair Trade Practices

Has this or a similar case been previously filed in SDNY at any time? No Yes Judge Previously Assigned

If yes, was this case Vol Invol. Dismissed. No Yes If yes, give date _____ & Case No _____

(PLACE AN [x] IN ONE BOX ONLY) NATURE OF SUIT

ACTIONS UNDER STATUTES

CONTRACT	PERSONAL INJURY	REAL PROPERTY	ACTIONS UNDER STATUTES
<input type="checkbox"/> 110 INSURANCE <input type="checkbox"/> 120 MARINE <input type="checkbox"/> 130 MILLER ACT <input type="checkbox"/> 140 NEGOTIABLE INSTRUMENT <input type="checkbox"/> 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT <input type="checkbox"/> 151 MEDICARE ACT <input type="checkbox"/> 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS) <input type="checkbox"/> 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS <input type="checkbox"/> 160 STOCKHOLDERS SUITS <input type="checkbox"/> 190 OTHER CONTRACT <input type="checkbox"/> 195 CONTRACT PRODUCT LIABILITY <input type="checkbox"/> 198 FRANCHISE	PERSONAL INJURY <input type="checkbox"/> 310 AIRPLANE <input type="checkbox"/> 315 AIRPLANE PRODUCT LIABILITY <input type="checkbox"/> 320 ASSAULT, LIBEL & SLANDER <input type="checkbox"/> 330 FEDERAL EMPLOYERS' LIABILITY <input type="checkbox"/> 340 MARINE <input type="checkbox"/> 345 MARINE PRODUCT LIABILITY <input type="checkbox"/> 350 MOTOR VEHICLE <input type="checkbox"/> 355 MOTOR VEHICLE PRODUCT LIABILITY <input type="checkbox"/> 360 OTHER PERSONAL INJURY	PERSONAL INJURY <input type="checkbox"/> 362 PERSONAL INJURY - MED MALPRACTICE <input type="checkbox"/> 365 PERSONAL INJURY PRODUCT LIABILITY <input type="checkbox"/> 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY PERSONAL PROPERTY <input type="checkbox"/> 370 OTHER FRAUD <input type="checkbox"/> 371 TRUTH IN LENDING <input type="checkbox"/> 380 OTHER PERSONAL PROPERTY DAMAGE <input type="checkbox"/> 385 PROPERTY DAMAGE PRODUCT LIABILITY	CONTRACT <input type="checkbox"/> 510 AGRICULTURE <input type="checkbox"/> 520 FOOD & DRUG <input type="checkbox"/> 525 DRUG RELATED SEIZURE OF PROPERTY <input type="checkbox"/> 530 LIQUOR LAWS <input type="checkbox"/> 540 RR & TRUCK <input type="checkbox"/> 550 AIRLINE REGS <input type="checkbox"/> 560 OCCUPATIONAL SAFETY/HEALTH <input type="checkbox"/> 590 OTHER LABOR <input type="checkbox"/> 710 FAIR LABOR STANDARDS ACT <input type="checkbox"/> 720 LABOR/MGMT RELATIONS <input type="checkbox"/> 730 LABOR/MGMT REPORTING & DISCLOSURE ACT <input type="checkbox"/> 740 RAILWAY LABOR ACT <input type="checkbox"/> 750 OTHER LABOR LITIGATION <input type="checkbox"/> 791 EMPL RET INC SECURITY ACT
REAL PROPERTY <input type="checkbox"/> 210 LAND CONDEMNATION <input type="checkbox"/> 220 FORECLOSURE <input type="checkbox"/> 230 RENT LEASE & EJECTMENT <input type="checkbox"/> 240 TORTS TO LAND <input type="checkbox"/> 248 TORT PRODUCT LIABILITY <input type="checkbox"/> 290 ALL OTHER REAL PROPERTY	CIVIL RIGHTS <input type="checkbox"/> 441 VOTING <input type="checkbox"/> 442 EMPLOYMENT <input type="checkbox"/> 443 HOUSING <input type="checkbox"/> 444 ACCOMMODATIONS <input type="checkbox"/> 444 WELFARE <input type="checkbox"/> 445 AMERICANS WITH DISABILITIES - EMPLOYMENT <input type="checkbox"/> 446 AMERICANS WITH DISABILITIES - OTHER <input type="checkbox"/> 440 OTHER CIVIL RIGHTS	PRISONER PETITIONS <input type="checkbox"/> 510 MOTIONS TO VACATE SENTENCE <input type="checkbox"/> 530 HABEAS CORPUS <input type="checkbox"/> 535 DEATH PENALTY <input type="checkbox"/> 540 MANDAMUS & OTHER <input type="checkbox"/> 550 CIVIL RIGHTS <input type="checkbox"/> 555 PRISON CONDITION	OTHER STATUTES <input type="checkbox"/> 400 STATE REAPPORTIONMENT <input type="checkbox"/> 410 ANTI TRUST <input type="checkbox"/> 430 BANKS & BANKING <input type="checkbox"/> 450 COMMERCE ACC RATES/ETC <input type="checkbox"/> 460 DEPORTATION <input type="checkbox"/> 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO) <input type="checkbox"/> 480 CONSUMER CREDIT <input type="checkbox"/> 490 CABLE/SATELLITE TV <input type="checkbox"/> 810 SELECTIVE SERVICE <input type="checkbox"/> 850 SECURITIES/COMMODITIES/EXCHANGE <input type="checkbox"/> 875 CUSTOMER CHALLENGE 12 USC 3410 <input type="checkbox"/> 891 AGRICULTURE ACTS <input type="checkbox"/> 892 ECONOMIC STABILIZATION ACT <input type="checkbox"/> 893 ENVIRONMENTAL MATTERS <input type="checkbox"/> 894 ENERGY ALLOCATION ACT <input type="checkbox"/> 895 FREEDOM OF INFORMATION ACT <input type="checkbox"/> 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE <input type="checkbox"/> 950 CONSTITUTIONALITY OF STATE STATUTES <input type="checkbox"/> 999 OTHER STATUTORY ACTIONS

592038

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y. ? IF SO, STATE.

DEMAND \$ limit of jurisdiction OTHER

JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: YES NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

as to non sovereignty defendant

(SEE REVERSE)

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- 1 Original Proceeding
- 2a. Removed from State Court
- 2b. Removed from State Court AND at least one party is a pro se litigant
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from (Specify District)
- 6 Multi-district Litigation
- 7 Appeal to District Judge from Magistrate Judge Judgment

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

- 1 U.S. PLAINTIFF
- 2 U.S. DEFENDANT
- 3 FEDERAL QUESTION (U.S. NOT A PARTY)
- 4 DIVERSITY

IF DIVERSITY, INDICATE CITIZENSHIP BELOW. (28 USC 1332, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF	<input checked="" type="checkbox"/> 1 <input type="checkbox"/> 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF	<input type="checkbox"/> 3 <input type="checkbox"/> 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF	<input type="checkbox"/> 5 <input type="checkbox"/> 5
CITIZEN OF ANOTHER STATE	<input type="checkbox"/> 2 <input type="checkbox"/> 2	<input type="checkbox"/> 2 <input type="checkbox"/> 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	<input type="checkbox"/> 4 <input type="checkbox"/> 4	<input type="checkbox"/> 4 <input type="checkbox"/> 4	FOREIGN NATION	<input type="checkbox"/> 6 <input checked="" type="checkbox"/> 6	<input type="checkbox"/> 6 <input type="checkbox"/> 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Ass'n for Restitution of Polish Assets and Property, c/o Ed Fagan, 80 Broad Street, 5th Fl, NY, NY - NY County
 Ass'n of Polish PreWar Bondholders, c/o Ed Fagan, 80 Broad Street, 5th Fl, NY, NY - NY County
 Polish Assets Redemption Corp, c/o Ed Fagan, 80 Broad Street, 5th Fl, NY, NY - NY County
 Maria Ginter, Queens, NY - Queens County
 Esther Sapir, Fountainy au Roses, Paris, France

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Republic of Poland, Office of the Prime Minister, Government Offices, Warsaw, Poland
 Polish Ministry of Finance, Office of the Minister, Finance Ministry Offices, Warsaw, Poland
 Polish National Bank, Office of the President, Polish National Bank Bldg, Warsaw, Poland
 Citibank d/b/a Citicorp USA, 53rd & Lexington, NY, NY - NY County
 JP Morgan/Chase - One Chase Manhattan Plaza, NY, NY - NY County
 Fleet Boston - 100 Federal St, Boston, MA 02110

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS FOLEY SQUARE (DO NOT check either box if this a PRISONER PETITION)

DATE: Sept. 26, 2006
 SIGNATURE OF ATTORNEY OF RECORD: *[Signature]*
 ADMITTED TO PRACTICE IN THIS DISTRICT: YES (DATE ADMITTED Mo 05 Yr 85) Attorney Bar Code # 127-4101

Magistrate Judge is to be designated by the Clerk of the Court
 Magistrate Judge Michael McMahon is so Designated
 J Michael McMahon, Clerk of Court by [Signature] Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

JUDGE DANIELS

06 CV

7725

DOC#1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ASSOCIATION FOR RESTITUTION OF :
POLISH ASSETS AND PROPERTY: :
ASSOCIATION OF POLISH PRE-WAR :
BONDHOLDERS; :
POLISH ASSETS REDEMPTION CORP.: :
ESTHER SAPIR; :
MARIA GINTER: :

Plaintiffs

- vs -

CIVIL ACTION #

REPUBLIC OF POLAND: :
POLISH MINISTRY OF FINANCE: :
POLISH NATIONAL BANK: :
CITY OF WARSAW; :
CITIBANK d/b/a Citigroup USA, successor to :
FIRST NATIONAL CITY BANK OF NY: :
JP MORGAN CHASE & Co., successor to :
JP MORGAN and :
MORGAN GUARANTY TRUST CO. :
FLEET BOSTON, successor to :
FIRST NATIONAL BANK OF BOSTON: :
Defendants. :
-----X

JURY TRIAL DEMANDED
(against non-sovereign Defendants)

2006 SEP 21 2:19
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INTRODUCTION

The countries of Western Europe who are formal members of the European Union and whose post World War II and/or predecessor Governments which were involved in wrongful taking of property and assets and/or failure to honor contractual, legal and/or moral obligations related to property wrongfully expropriated have enacted programs through which victims can make claims for restitution of the reasonable value of their assets, with one exception. The Republic of Poland has failed to honor obligations to property owners, including bond and currency holders and others.

The Republic of Poland has and continues to attempt to evade its contractual, legal and moral obligations to persons regardless of their nationality, race, creed or religion. The Republic of Poland incurred obligations which it has failed to honor and/or as to which it has engaged in

balance sheets, financial disclosure statements and/or other information which were used in its solicitation of funds or investments, issuance and/or sales of bonds or securities and/or other statements and/or information that was designed to mislead the public and Plaintiffs.

155. The aforescribed acts give Defendants POLAND, FINANCE, NATIONAL BANK and WARSAW and its financial institutions, and businesses an unfair advantage in the commercial bond, securities, financial services and/or other industries.

156. Defendants' actions are in direct violation of the New York State Deceptive & Unfair Trade Practices Act and as such they should be enjoined.

WHEREFORE, Plaintiffs demand judgment and pray for (i) a judgment permanently enjoining Defendants POLAND, FINANCE, NATIONAL BANK and WARSAW conduct of its business in the United States and specifically in New York based on its failure to fully and completely disclose its obligations to Plaintiffs and other Bondholders and its failure to pay for same and (ii) interest, attorneys' fees, and costs of this action.

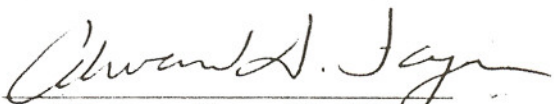
PRAYER FOR RELIEF

Plaintiffs demand a bench trial against Defendants POLAND, FINANCE, NATIONAL BANK and WARSAW; and a jury trial as against Defendants CITIBANK, MORGAN CHASE and FLEET BOSTON, MORGAN CHASE and FLEET BOSTON jointly, severally and/or in the alternative, as follows:

- a) For declaratory / injunctive relief for deceptive and unfair trade practices in violation of New York State Deceptive and Unfair Trade Practices Act;

- b) For compensatory damages in an amount equal to THE POLISH COMMERCIAL PAPER, plus interest compounded annually from 1945 to the present, and which damages exceed the jurisdictional limits of this Court and which damages shall be determined by the ultimate trier of fact but which Plaintiffs anticipate to be in excess of **ONE BILLION OF DOLLARS**;
- c) For equitable disgorgement and imposition of constructive trust in an amount to be determined by the ultimate trier of fact based upon Defendants' aforesaid unjust enrichment and which amount Plaintiffs anticipate to be in excess of **ONE BILLION OF DOLLARS**;
- d) For equitable relief as the Court deems appropriate;
- e) For special, exemplary, and/or punitive damages in the amount necessary and sufficient to prevent Defendants from engaging in future wrongful acts;
- f) For attorneys' fees and costs of this action.

Dated: New York, NY
September 18, 2006

/s/ 
Edward D. Fagan Esq. – EF-4125
80 Broad Street, 5th Floor
New York, NY 10004
Tel. (212) 837-7836
Email: faganlawintl@aim.com
Plaintiffs Counsel

ECF

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:06-cv-07725-GBD
Internal Use Only**

Association for Restitution of Polish Assets and Property et al v. Republic of Poland et al
Assigned to: Judge George B. Daniels
Cause: 28:1330 Breach of Contract

Date Filed: 09/26/2006
Jury Demand: Plaintiff
Nature of Suit: 890 Other Statutory Actions
Jurisdiction: Federal Question

Plaintiff

Association for Restitution of Polish Assets and Property

represented by **Edward Davis Fagan**
Edward D. Fagan Esq.
80 Broad Street, 5th Floor
New York, NY 10004
(212) 837-7836
Email: faganlawint@aim.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Association of Polish Pre-War Bondholders

represented by **Edward Davis Fagan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Polish Assets Redemption Corp.

represented by **Edward Davis Fagan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Esther Sapir

represented by **Edward Davis Fagan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Maria Ginter

represented by **Edward Davis Fagan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Republic of Poland

Defendant

Polish Ministry of Finance

Defendant

Polish National Bank

Defendant

City of Warsaw

Defendant

Citibank

*successor to First National City Bank of
NY JP Morgan Chase & Co., successor
to JP Morgan Guaranty Trust Co. Fleet
Boston, successor to First National
Bank of Boston
doing business as
Citigroup USA*

Defendant

FleetBoston

✕ represented by **Daniel Lucas Cantor**
O'Melveny & Myers LLP
7 Times Square
New York, NY 10036
212-326-2000
Fax: 212-326-2061
Email: dcantor@omm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

J.P. Morgan Chase & Co.

represented by **Karen M. Asner**
White & Case LLP (NY)
1155 Ave of the Americas
New York, NY 10036
(212) 819-8429
Fax: (212) 354-8113
Email: kasner@whitecase.com
LEAD ATTORNEY
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Owen Pell

White & Case LLP (NY)
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New York, NY 10036

(212) 819-8891
 Fax: (212) 354-8113
 Email: opell@whitecase.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**J.P. Morgan Chase & Co.****Defendant****Citibank, N.A.**

represented by **Karen M. Asner**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Owen Pell
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bank of America, N.A.**

Date Filed	#	Docket Text
09/26/2006	<u>1</u>	COMPLAINT against Republic of Poland, Polish Ministry of Finance, Polish National Bank, City of Warsaw, Citibank. (Filing Fee \$ 350.00, Receipt Number 592038) Document filed by Maria Ginter, Association for Restitution of Polish Assets and Property, Association of Polish Pre-War Bondholders, Polish Assets Redemption Corp., Esther Sapir.(es,) Additional attachment(s) added on 10/4/2006 (mbe,). (Entered: 09/27/2006)
09/26/2006	<u>2</u>	SUMMONS ISSUED as to Republic of Poland, Polish Ministry of Finance, Polish National Bank, City of Warsaw, Citibank. (es,) (Entered: 09/27/2006)
09/26/2006	<u>3</u>	Magistrate Judge Michael H. Dolinger is so designated. (es,) (Entered: 09/27/2006)
09/26/2006	<u>4</u>	Case Designated ECF. (es,) (Entered: 09/27/2006)
09/28/2006	<u>5</u>	NOTICE OF CHANGE OF ADDRESS by Edward Davis Fagan on behalf of all plaintiffs. New Address: Edward D. Fagan, 80 Broad Street, 5th Floor, New York, NY, USA 10004, (212) 837-7836. (Fagan, Edward) (Entered: 09/28/2006)
09/29/2006	<u>6</u>	CERTIFICATE OF SERVICE of Summons and Complaint,. Citibank served on 9/29/2006, answer due 10/19/2006. Service was made by Mail. Document filed by Association for Restitution of Polish Assets and Property. (Attachments: # <u>1</u> Exhibit 27 Sept 2006 Service Cover Letter to

[Handwritten signature]

MEMORANDUM TO THE DOCKET CLERK

this form shall be returned to the docketing section, upon completion of a Hearing or Trial, or on the last day of the Calendar Month, when the action is continued to the following month. Should the Hearing or Trial continue for two or more weeks, this form should be submitted on a weekly basis.

Before: George B. Daniels U.S.D.J.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**Ass'n for Restitution of Polish Assets
and Property, et al.,**

Plaintiff(s)

-Against-

Republic of Poland, et al.,

Defendant(s)

Docket # 06 Civ 7725 (GBD)()

In consolidated cases, all docket numbers are to be shown.

CONTESTED ISSUE YES NO

check one box only:

Non Jury Jury Three-Judge Court Preliminary Injunction/TRO All Other Non-Jury Land Condemnation Summary Jury Trials

Hearing begun and(concluded) _____

Pretrial conference held 11/29/06 - Plaintiff has until 1/31/07 to respond to motion to dismiss. Defendants have until 2/15/07 to reply to that response. Conference set for 3/7/07 at 10:00 a.m.

JURY NON-JURY

TRIAL begun and continued _____

TRIAL concluded _____ Total trial days _____

SETTLED during trial _____

Order Signed (date) _____ To be submitted _____

Judge's Decision _____

Jury Verdict _____

Submitted by Scott D. Woller
Deputy Court Clerk