

LAW OFFICE OF
JAROSLAWICZ & JAROS, LLC

225 BROADWAY, 24TH FLOOR
NEW YORK, NEW YORK 10007

DAVID JAROSLAWICZ
(NY, FL & CA BARS)
ABRAHAM JAROS

(212) 227-2780

ROBERT J. TOLCHIN
OF COUNSEL
RJT@TolchinLaw.com

June 4, 2008

Dor Alon Energy in Israel, Ltd.
France Building, Europark
P.O Box 10
Yakum 60972
Israel

Attn: Ortal Klein, Adv.
Legal Counsel and Corporate Secretary

Re: Supplying of fuel to the Gaza Strip

Dear Ms. Klein,

Along with Israeli attorney Nitsana Darshan-Leitner of the Shurat HaDin - Israel Law Center, we represent the families of victims of the recent Hamas terrorist organization's missile attacks on Sderot, Ashqelon and other Negev towns and kibbutzim that border the Gaza Strip. Many of our clients'

families have been murdered in the Hamas missile attacks while others have been seriously wounded. A list of our clients and the nature of their injuries can be provided upon your request.

As you are well aware, Dor Alon Energy in Israel, Ltd. ("Dor Alon") is the major supplier of fuel to the Gaza Strip. Recent news reports indicate that the Hamas terrorist organization is appropriating the fuel deliveries supplied by your corporation and using it for terrorist attacks and to support their criminal infrastructure.

For example, on April 11, 2008 the Haaretz newspaper reported that "Hamas uses... fuel for militant purposes," and according to Nir Press, the commander of the military liaison unit for the Gaza Strip, Hamas seizes over half of all the fuel transferred to the Gaza Strip.

Consequently, as Dor Alon continues to supply fuel to the Gaza Strip when it is on notice that this fuel is being appropriated by Hamas for terrorist purposes, Dor Alon is knowingly aiding and abetting a terrorist organization and recklessly endangering the lives of countless Israelis and foreign citizens. Dor Alon has knowingly and intentionally provided this material support and resources to the Hamas organization, which has facilitated and caused the terrorist attacks in which our clients' family members were murdered and/or in which they were harmed.

Dor Alon has continued to provide its regular fuel deliveries to the Gaza Strip despite the fact that Hamas is designated as a terrorist organization under Israeli, American and European law and that the provision of such services to a designated terrorist organization is a criminal act. In the United States providing material support to the Hamas organization is a federal offense.

Moreover, the American Anti-Terrorism Act, and specifically 18 U.S.C. § 2333(a), grants American victims of international terrorism the right to bring suit against anyone who has knowingly assisted a terrorist organization by supplying material support to such a group. In addition, non-American Israeli victims of the missile attacks would be able to bring suit against Dor Alon in the United States under the Alien Tort Statute (28 U.S.C. § 1350) ("ATS"). Thus, by directly or indirectly supplying the Hamas terrorists with a critical component of its terrorist infrastructure, you are actively aiding its terrorist activities and are placing Dor Alon at risk of becoming defendants in a civil action brought by Hamas victims in the United States.

In light of the numerous precedents establishing the large damages awarded to victims of terrorism under the ATA and ATS, it is clear that Dor Alon's damages liability in this case will be several hundred million dollars, or more. *See e.g. Knox v. Palestine Liberation Organization*, 442 F.Supp.2d 62 (S.D.N.Y. 2006) (ATA judgment for \$192 million for terrorist murder); *Doe v. Karadzic*, 176 F.R.D. 458, 460 (S.D.N.Y. 1997), 2001 WL 986545 (S.D.N.Y. 2001) (ATS judgment for approximately \$4.5 billion in favor of twenty-two plaintiffs); *Mehinovic v. Vuckovic*, 198 F. Supp.2d 1322 (N.D.Ga. 2002) (ATS judgment for \$140 million entered in favor of four victims).

Accordingly, we are now requesting that Dor Alon immediately cease and desist from providing any further fuel deliveries to the Gaza Strip while it remains under the control of the Hamas terrorist organization.

If instead your corporation continues to knowingly and intentionally provide material support and resources to the Hamas organization, which facilitated and caused the terrorist attacks in which our clients' family members were murdered and/or in which they were harmed, we are prepared

to bring suit against you in a United States federal court under the relevant anti-terrorism statutes as set out above.

We would appreciate receiving your confirmation that Dor Alon has decided to cease all its fuel deliveries to the Gaza Strip.

Very truly yours,

Robert J. Tolchin, Esq.

Nitsana Darshan-Leitner, Adv.
10 Hata'as St.
Ramat Gan, 52512
Israel
Tel: 972-3-7514175