

CLAIM FOR DAMAGE, INJURY, OR DEATH		INSTRUCTIONS: Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.		FORM APPROVED OMB NO. 1105-0008	
1. Submit to Appropriate Federal Agency: Federal Bureau of Investigation 935 Pennsylvania Avenue NW Washington, D.C. 20535-0001 (202)324-3000			2. Name, address of claimant, and claimant's personal representative if any. (See instructions on reverse). Number, Street, City, State and Zip code. Mr. and Mrs. Todashev, parents of Ibragim Todashev c/o Hassan Shibly, Personal Representative 8076 N 56th St		
3. TYPE OF EMPLOYMENT <input type="checkbox"/> MILITARY <input checked="" type="checkbox"/> CIVILIAN	4. DATE OF BIRTH 9.22.1985	5. MARITAL STATUS single	6. DATE AND DAY OF ACCIDENT 5.22.2013 Wednesday	7. TIME (A.M. OR P.M.) 12:04 A.M.	
8. BASIS OF CLAIM (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof. Use additional pages if necessary). See Exhibit A, attached hereto.					
9. PROPERTY DAMAGE					
NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code). n.a.					
BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF THE DAMAGE AND THE LOCATION OF WHERE THE PROPERTY MAY BE INSPECTED. (See instructions on reverse side). n.a.					
10. PERSONAL INJURY/WRONGFUL DEATH					
STATE THE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE THE NAME OF THE INJURED PERSON OR DECEDENT. See Exhibit B, attached hereto.					
11. WITNESSES					
NAME			ADDRESS (Number, Street, City, State, and Zip Code)		
See Exhibit C, attached hereto.					
12. (See instructions on reverse). AMOUNT OF CLAIM (in dollars)					
12a. PROPERTY DAMAGE 0.00	12b. PERSONAL INJURY 0.00	12c. WRONGFUL DEATH 30,000,000.00	12d. TOTAL (Failure to specify may cause forfeiture of your rights). 30,000,000.00		
I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM.					
13a. SIGNATURE OF CLAIMANT (See instructions on reverse side). 			13b. PHONE NUMBER OF PERSON SIGNING FORM 813-514-1914	14. DATE OF SIGNATURE 2/28/15	
CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM The claimant is liable to the United States Government for a civil penalty of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages sustained by the Government. (See 31 U.S.C. 3729).			CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS Fine, imprisonment, or both. (See 18 U.S.C. 287, 1001.)		

INSURANCE COVERAGE

In order that subrogation claims may be adjudicated, it is essential that the claimant provide the following information regarding the insurance coverage of the vehicle or property.

15. Do you carry accident insurance? Yes If yes, give name and address of insurance company (Number, Street, City, State, and Zip Code) and policy number. No

16. Have you filed a claim with your insurance carrier in this instance, and if so, is it full coverage or deductible? Yes No 17. If deductible, state amount.

18. If a claim has been filed with your carrier, what action has your insurer taken or proposed to take with reference to your claim? (It is necessary that you ascertain these facts).

19. Do you carry public liability and property damage insurance? Yes If yes, give name and address of insurance carrier (Number, Street, City, State, and Zip Code). No

INSTRUCTIONS

Claims presented under the Federal Tort Claims Act should be submitted directly to the "appropriate Federal agency" whose employee(s) was involved in the incident. If the incident involves more than one claimant, each claimant should submit a separate claim form.

Complete all items - Insert the word NONE where applicable.

A CLAIM SHALL BE DEEMED TO HAVE BEEN PRESENTED WHEN A FEDERAL AGENCY RECEIVES FROM A CLAIMANT, HIS DULY AUTHORIZED AGENT, OR LEGAL REPRESENTATIVE, AN EXECUTED STANDARD FORM 95 OR OTHER WRITTEN NOTIFICATION OF AN INCIDENT, ACCOMPANIED BY A CLAIM FOR MONEY

Failure to completely execute this form or to supply the requested material within two years from the date the claim accrued may render your claim invalid. A claim is deemed presented when it is received by the appropriate agency, not when it is mailed.

If instruction is needed in completing this form, the agency listed in item #1 on the reverse side may be contacted. Complete regulations pertaining to claims asserted under the Federal Tort Claims Act can be found in Title 28, Code of Federal Regulations, Part 14. Many agencies have published supplementing regulations. If more than one agency is involved, please state each agency.

The claim may be filled by a duly authorized agent or other legal representative, provided evidence satisfactory to the Government is submitted with the claim establishing express authority to act for the claimant. A claim presented by an agent or legal representative must be presented in the name of the claimant. If the claim is signed by the agent or legal representative, it must show the title or legal capacity of the person signing and be accompanied by evidence of his/her authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian or other representative.

If claimant intends to file for both personal injury and property damage, the amount for each must be shown in item number 12 of this form.

DAMAGES IN A SUM CERTAIN FOR INJURY TO OR LOSS OF PROPERTY, PERSONAL INJURY, OR DEATH ALLEGED TO HAVE OCCURRED BY REASON OF THE INCIDENT. THE CLAIM MUST BE PRESENTED TO THE APPROPRIATE FEDERAL AGENCY WITHIN **TWO YEARS** AFTER THE CLAIM ACCRUES.

The amount claimed should be substantiated by competent evidence as follows:

- (a) In support of the claim for personal injury or death, the claimant should submit a written report by the attending physician, showing the nature and extent of the injury, the nature and extent of treatment, the degree of permanent disability, if any, the prognosis, and the period of hospitalization, or incapacitation, attaching itemized bills for medical, hospital, or burial expenses actually incurred.
- (b) In support of claims for damage to property, which has been or can be economically repaired, the claimant should submit at least two itemized signed statements or estimates by reliable, disinterested concerns, or, if payment has been made, the itemized signed receipts evidencing payment.
- (c) In support of claims for damage to property which is not economically repairable, or if the property is lost or destroyed, the claimant should submit statements as to the original cost of the property, the date of purchase, and the value of the property, both before and after the accident. Such statements should be by disinterested competent persons, preferably reputable dealers or officials familiar with the type of property damaged, or by two or more competitive bidders, and should be certified as being just and correct.
- (d) **Failure to specify a sum certain will render your claim invalid and may result in forfeiture of your rights.**

PRIVACY ACT NOTICE

This Notice is provided in accordance with the Privacy Act, 5 U.S.C. 552a(e)(3), and concerns the information requested in the letter to which this Notice is attached.

A. **Authority:** The requested information is solicited pursuant to one or more of the following: 5 U.S.C. 301, 28 U.S.C. 501 et seq., 28 U.S.C. 2671 et seq., 28 C.F.R. Part 14.

- B. **Principal Purpose:** The information requested is to be used in evaluating claims.
- C. **Routine Use:** See the Notices of Systems of Records for the agency to whom you are submitting this form for this information.
- D. **Effect of Failure to Respond:** Disclosure is voluntary. However, failure to supply the requested information or to execute the form may render your claim "invalid."

PAPERWORK REDUCTION ACT NOTICE

This notice is solely for the purpose of the Paperwork Reduction Act, 44 U.S.C. 3501. Public reporting burden for this collection of information is estimated to average 6 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Director, Torts Branch, Attention: Paperwork Reduction Staff, Civil Division, U.S. Department of Justice, Washington, DC 20530 or to the Office of Management and Budget. Do not mail completed form(s) to these addresses.

Exhibit A

Attachment to Form 95 Claim by Hassan Shibly, Personal Representative

2. Claimant's representative:

Hassan Shibly
8076 56th St
Tampa, FL 33617
813-514-1414

8.

- a. Aaron McFarlane ("McFarlane") illegally shot and killed Ibragim Todashev ("Todashev") on May 22, 2013. Officers, agents, and employees of the Federal Bureau of Investigation ("FBI"), an agency of the United States Department of Justice, along with officers, agents and employees of the State of Massachusetts, caused Todashev's wrongful death by the following acts and omissions, among others presently unknown to Claimant.
- b. McFarlane has been a special agent of the FBI since 2008. Prior to working for the FBI, he was a police officer at the Oakland Police Department in California. While working at the Oakland Police Department, McFarlane was the subject of two police-brutality lawsuits and four internal-affairs investigations.
- c. In 2003, McFarlane testified for the defense in California v. Siapno, a.k.a the "Riders" case. After the prosecution implied McFarlane falsified police reports, he invoked his Fifth Amendment privilege against self-incrimination and subsequently testified under immunity.
- d. In 2004, McFarlane retired from the Oakland Police Department, claiming disability and, thereupon, began receiving disability payments. He was still receiving disability payments at the time he was hired by the FBI for active duty and continued to do so up through the time he shot Todashev.
- e. Starting on or about April 15, 2013, FBI agents followed and repeatedly questioned Todashev regarding the Boston Marathon Bombings, allegedly committed by Tamerlan Tsarnaev and Dzhokhar Tsarnaev. Todashev was acquainted with Tamerlan Tsarnaev, as both trained at the Wai Kru Gym in Boston, Massachusetts.
- f. On April 21, 2013, Todashev and his girlfriend, Tatyana Gruzdeva ("Gruzdeva"), were approached by six or seven plainclothes FBI agents at their apartment located at 6022 Peregrine Avenue, Orlando, Florida 32819. The agents ordered Todashev to the ground at gunpoint and

handcuffed him. The agents searched the apartment, questioned Todashev for four to five hours, and confiscated all phones, computers, and other electronic devices.

- g. Subsequently, the FBI agents transported Todashev to the Orlando Police Department (“OPD”), where agents Robert R. Manson and Christopher John Savard (“Savard”) questioned him further. Todashev provided information about how he knew Tamerlan Tsarnaev and denounced the Boston Marathon Bombings as “horrible and unnecessary.”
- h. Savard is a member of the OPD and has been assigned to the Joint Terrorism Task Force (“JTT”). As an agent of the JTT, Savard operates under the supervision, and therefore as an agent, of the FBI.
- i. Todashev was, at all relevant times, cooperative and forthcoming with FBI agents.
- j. Indeed, on April 22, 2013, Savard again interrogated Todashev, who had voluntarily gone to the OPD for questioning.
- k. In April 2013, FBI agents also began questioning Reniya Manukyan (“Manukyan”), Todashev’s wife, from whom he has been separated since 2011. FBI agents first detained Manukyan in New York as she was returning from visiting her family in Russia and questioned her for five hours regarding the Boston Bombing. The next day, FBI agents questioned Manukyan again, this time at her workplace in Atlanta, Georgia, about the car she and Todashev shared (e.g., who owned the title, who paid for it, and whether she was afraid she would be blamed for Todashev’s actions because they shared a car). FBI agents again questioned her about the car and the Boston Bombing again on the night of May 21, 2013.
- l. During the week of May 13, 2013, FBI agents questioned several of Todashev’s friends, including Ashur Miraliev (“Miraliev”). An FBI agent who introduced himself as “Agent Hanson” questioned Miraliev about his political views, his views regarding the Boston Bombings, his religion, as well as Todashev’s character and political and religious views. The agent then asked Miraliev to inform on activities at local mosques and restaurants that Todashev and his friends frequented. When Miraliev declined, the agent threatened to interfere with Miraliev’s asylum application.
- m. On May 15, 2013, Savard once again called Todashev to the OPD for questioning. Once again, Todashev voluntarily went to the OPD for interrogation. Gruzdeva accompanied Todashev to the OPD. As Gruzdeva waited for Todashev to complete the interview, she was

approached by four agents. They placed her in an office, searched her handbag, and requested that she keep them informed of Todashev's whereabouts and actions. Gruzdeva declined. Immediately thereafter, one of the agents picked up the phone, dialed an unknown number, and stated "we have an illegal girl," referring to the fact that Gruzdeva was an undocumented immigrant. She was placed in handcuffs, taken to Orange County jail, and placed in immigration detention.

- n. Todashev exited the interview with Savard and was unable to find Gruzdeva. After locating her in Orange County jail, he spoke to Gruzdeva daily.
- o. On the morning of May 21, 2013, Gruzdeva and Todashev argued about his inability to get her out of jail. He believed Gruzdeva's imprisonment was a direct result of the FBI's pressure on the USCIS to take adverse immigration actions on his friends and family. He expressed frustration with the FBI in general and with particular agents that were harassing Gruzdeva and his friend, Khusen Taramov ("Taramov").
- p. On May 21, 2013, Savard contacted Todashev once again to arrange what he referred to as "one last meeting." The meeting was to include Savard, McFarlane, Massachusetts State Trooper Curtis Cinelli ("Cinelli"), and Massachusetts State Trooper Joel Gagne ("Gagne"). McFarlane, Cinelli, and Gagne were investigating an unsolved triple murder committed in Waltham, Massachusetts in September 2011 that was linked to Tamerlan Tsarnaev.
- q. By the agents' own admissions, very little preparation went into the interrogation despite the fact that the topic of interrogation was a triple murder, the fact that Todashev was very upset over his girlfriend being turned over to immigration services for refusing to inform on him, and the fact that the interrogation was to take place in Todashev's home without witnesses—not at a properly secured location, such as the OPD. Though, after Gruzdeva's arrest, Todashev was understandably opposed to any further interrogations at the OPD. Todashev thus suggested a public meeting place. Savard refused, and finally the two agreed upon Todashev's apartment.
- r. Todashev brought Taramov to the interrogation to act as a witness.
- s. The interrogation began at approximately 7:00 p.m. on May 21, 2013.
- t. The agents made Taramov stay outside with Savard. Taramov and Savard were outside together for approximately four hours.

- u. At the beginning of the interrogation, Taramov reiterated to Savard that Todashev was quite upset about Gruzdeva's imprisonment. Thus aware of Todashev's mindset, Savard had the opportunity to be sure the agents inside (i.e., the agents who were interrogating Todashev) knew about Todashev's mindset. Savard failed to do so.
- v. Then, between 10:30 and 11:00 p.m., Savard mysteriously asked Taramov to leave the premises and wait for Todashev at a local hookah bar.
- w. Meanwhile, McFarlane, Gagne, and Cinelli had been interrogating Todashev inside the apartment since 7:00 p.m.
- x. According to the agents, at around 10:30 p.m., Gagne went outside to call the district attorney and remained there with Savard, leaving McFarlane and Cinelli alone in the apartment with Todashev.
- y. Around midnight, after five hours of interrogation, McFarlane shot Todashev. Seven times. Todashev was unarmed with any gun, knife, explosive, or other deadly weapon. Todashev did not pose a threat of serious bodily harm to McFarlane or any other person.
- z. No viable justification has been offered to account for MacFarlane's shooting and killing Todashev. Given (1) Todashev's history of cooperation with the FBI (despite the FBI's campaign of harassment against him, his friends, and family); (2) the number of agents available to restrain Todashev at the time of the shooting; and (3) the fact that Todashev was unarmed with any deadly weapon—given all that, logic dictates that MacFarlane's use of force against Todashev was excessive and unjustified. MacFarlane's unprivileged use of force therefore constituted an assault and battery against Todashev, which tortious conduct led to Todashev's wrongful death under Florida law.
- aa. Further, the agents involved had a duty to Todashev to refrain from engaging in affirmatively harmful actions without just cause. These actions were designed to escalate conflict and attempt to justify the wrongful use of force.
- bb. The agents breached this duty by (1) mounting a campaign of increasing pressure against Todashev from April 15, 2013, through his final hours on May 22, 2013, without just cause, including repeated and unnecessary arrests, searches, and lengthy interrogations; (2) using intimidation, deceit, and other improper means against Todashev, his friends, and family—including threatening to interfere, and actually interfering, with the immigration statuses of Todashev's friends and family—to coerce Todashev into falsely confessing to crimes he did not commit; (3) agreeing to interview Todashev on the night of May 21, 2013, in a

secluded location, without witnesses, even though they knew Todashev was upset over his girlfriend being turned over to immigration services for refusing to inform on Todashev; (5) sending away Taramov—the one witness that could have corroborated the agents’ version of events—shortly before MacFarlane shot Todashev; (6) failing to utilize the agents present, or have a sufficient number of agents present, to minimize the risk of physical altercation and the need for deadly force; (7) failing to appropriately monitor Todashev’s reactions during the interview, including the failure to terminate the interview and/or call for back-up upon the first sign of a physical agitation; (8) using excessive, unnecessary, and unjustified force against Todashev; and finally (9) failing to appreciate the gravity of the pressure they had exerted on Todashev—a pressure that would cause the sanest, most law-abiding citizen to falsely confess to a crime. (10) None of the agents present sought to intervene to prevent the excessive force, though able.

- cc. The foregoing breaches of duty were the actual and proximate cause of Todashev’s harm—that is, his death.
- dd. Moreover, given MacFarlane’s propensity for misconduct—as evidenced by the lawsuits filed against him, the internal-affairs investigations into his conduct, his involvement in falsifying police reports, and his receipt of disability funds from the Oakland Police Department despite his active employment as an FBI agent—the FBI was negligent in hiring MacFarlane. The FBI was further negligent in supervising MacFarlane’s and the other agents involved, in that the FBI failed to prevent the campaign of harassment the agents waged against Todashev, his friends, and family---the same campaign that finally resulted in Todashev’s wrongful death. Finally, the FBI was negligent in its investigation of Todashev’s killing. MacFarlane, for example, was never directly interviewed or questioned about the incident by a disinterested investigator.
- ee. Upon information and belief, at various dates and times between the time MacFarlane killed Todashev and the present, McFarlane, Cinelli, Gagne, Savard, and other agents/employees of the FBI and the Department of Justice, conspiring with each other, engaged in numerous acts to keep secret information and evidence probative of MacFarlane’s tortious conduct against Todashev.

Exhibit B

- 10. The nature and extent of Todashev’s injury is death by at least seven gunshot wounds. Todashev’s death on May 22, 2013, was the result of assault, battery, and negligence by FBI agents and negligent hiring/supervision by the FBI—all of which resulted in Todashev’s wrongful death.

11. The names of all persons with knowledge of this matter are not presently known to claimant. The following individuals are witnesses to one or more of the relevant events. Claimant reserves the right to call additional witnesses and assert additional facts as appropriate as he investigates the facts of this case.

Exhibit C

Partial List of Witnesses

Name	Address
Khusen Taramov	
Tatyana Gruzdeva	
Reniya Manukyan	
Ashur Miraliev	
Curtis Cinelli	
Joel Gagne	
Christopher John Savard	
Aaron McFarlane	

15. Claimants had no insurance for the harms claimed.
16. No insurance claims have been filed. Claimant does not believe that the events for which this claim is made were covered by any insurance policies he maintained.
19. Claimant did not carry public liability insurance and no property damage claims are made herein.