

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

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468 (LMB/LDD)

1. Plaintiff Mohamed Salim is an American citizen, a sergeant in the United States Army Reserves and a veteran of the Army's fight against terrorists in the Middle East. He is an Arab and a Muslim. He drives a taxicab for a living. In April 2013, he picked up defendant Dahlberg, who needed a ride home. During the ride, defendant Dahlberg questioned him about his beliefs, accused him of being a terrorist, denounced him and all Muslims and Arabs in a grossly outrageous manner, punched him, and left his cab without paying. Defendant Dahlberg's vitriol was captured by Mr. Salim's cell-phone, which he turned on once it became apparent that defendant Dahlberg was deranged and threatening. Mr. Salim now sues defendant Dahlberg for racial discrimination in contracting under federal law, for committing a hate crime under state law, and for common law assault, battery, and intentional infliction of emotional distress. This case arises under 42 U.S.C. §1981 and the court has jurisdiction over it under 28 U.S.C. §1331. The court has supplemental jurisdiction over the state law claims, which arise out of the identical facts.

Parties

2. Plaintiff Mohamed Salim is an American citizen since 2008 and a veteran of the United States Army's fight against terrorists in Iraq. He is an Arab and a Muslim. He drives a taxicab for a living. He is 40 years old.

3. Defendant Edward Dahlberg is a resident of Clifton, Virginia. He is president of Emerald Aviation, Inc., a Virginia corporation. He is an avowed racist and bigot.

Claim for Relief

4. Around or shortly after midnight, April 26, 2014, Mr. Salim was called to the Fairfax Country Club to pick up a passenger who needed a ride home. This was defendant Dahlberg, although Mr. Salim did not know his name and had never seen him before.

5. Mr. Salim speaks English with an Arabic accent deriving from his upbringing in Somalia, where he was born.

6. At some point during the ride to his house, defendant Dahlberg asked Mr. Salim where he was born. On learning that he was born in Somalia, Defendant Dahlberg embarked on an increasingly out-of-control series of statements, demands, insults and threats directed at Mr. Salim.

7. Mr. Salim responded calmly and professionally to Defendant Dahlberg's escalating abuse. At a certain point, however, he undertook to turn on his cell-phone's audio recording function, so as to capture Defendant Dahlberg's increasingly vehement ranting. When even this escalated, he turned on his phone's video function and informed Defendant Dahlberg that what he said was being recorded.

8. The verbatim presentation of the recorded colloquy between Messrs. Salim and Dahlberg is set forth in the transcript attached to this complaint as Exhibit A, which transcript is incorporated by reference into this complaint as though set forth in its entirety herein.

9. The audio and video of Defendant Dahlberg's verbal abuse and of one incident of his striking Mr. Salim appears on line on You Tube at <Salim v. Dahlberg> or <<https://www.youtube.com/watch?v=NnGvBqWzXIY&feature=youtu.be>>. The content of this video is incorporated by reference into this complaint as though set forth in its entirety herein.

10. Defendant Dahlberg graced Mr. Salim, and Muslims and Arabs in general, with the following encomiums among others:

- * I am judging you. You fucking radical fuckers are fucking blowing people up all over the world.
- * If you're a Muslim, you're a fucking jihadist.
- * Your Koran says you must kill non-believers. *** I'm fucking serious as a heart attack.
- * [D]enounce those fucking assholes that flew jets into the World Trade Center. Tell me that they are pieces of shit or you are with them.
SALIM: Are you prejudiced?
DAHLBERG: Fucking A I am.
- * I will slice your fucking throat right now.
SALIM: You say you're threatening me?
DAHLBERG: Fucking A.
- * Tell me you denounce those motherfuckers now, that you're one of them and you're a fucking terrorist.
- * I don't give a fuck if I know you. I'm asking you the simple question. And you can't answer it. Because you are a fucking Muslim terrorist just like the rest of them.

- * Fuck Jihad. Fuck all that fucking Muslim shit.
SALIM: Okay. Just speak peace and sit please.
DAHLBERG: Fuck you. Fucking peace. You're a piece of shit. You're just as bad as the rest of them.
- * SALIM: [N]ow you're punching me, right? You punching me, right? Why you punching me?
DAHLBERG: Fuck you.
SALIM: Why you punching me? Sir, why you punching me?
DAHLBERG: Because you're a shit Muslim.

11. Defendant Dahlberg then got out of Mr. Salim's cab without paying.

12. As a result of Defendant Dahlberg's verbal and physical assault, Mr. Salim suffered physical injury in the form of a hairline fracture of a bone in his face where Defendant Dahlberg punched him, as well as serious and ongoing emotional distress. He received prompt emergency care for his face, and thereafter commenced a course of counseling with a mental health therapist. He was also denied the fare for having driven Mr. Dahlberg in his cab.

13. Defendant Dahlberg's assault and battery on Mr. Salim were provoked by Mr. Salim's being Arab and Muslim. They constituted unprovoked, outrageous aggression motivated by hate. Defendant Dahlberg's malevolence is not subject to being minimized or explained on the theory that he had been drinking, as alcohol facilitates rather than causes speech; in addition there exists unrelated on-line references to his prejudice. Defendant Dahlberg's verbal and physical threats and assaults were willful, intentional, malicious, outrageous, in violation of Mr. Salim's rights and of acceptable standards of behavior, and intended to inflict severe emotional distress upon Mr. Mohamed, which they did.

Causes of Action

Count I: Violation of 42 U.S.C. §1981

14. By securing Mr. Salim's services as a taxi driver, defendant Dahlberg entered into a contractual relationship with him whereby in exchange for driving defendant Dahlberg home, Mr. Salim would be paid his posted fare. This contractual agreement also included, as a condition implied by law, that the parties would deal with each other fairly and in good faith so as to permit the successful consummation of the agreed contractual purpose. By directing outrageous verbal abuse at Mr. Salim, by threatening his life and safety, by physically attacking him, and finally by leaving his cab without paying, all as set forth above, and all because of his open hatred of Arabs and Muslims, defendant Dahlberg violated Mr. Salim's right to contract freely and to benefit from the terms and conditions of a contract without regard to race and without racial discrimination, in violation of 42 U.S.C. §1981.

Count II: Violation of Virginia Hate Crimes Act

15. By his actions set forth above, defendant Dahlberg committed a hate crime against Mr. Salim, in violation of *Code of Va.* §8.01-42.1.

Count III: Assault

16. By his actions set forth above, defendant Dahlberg assaulted Mr. Salim.

Count IV: Battery

17. By his actions set forth above, defendant Dahlberg committed battery against Mr. Salim.

Count V: Intentional Infliction of Emotional Distress

18. By his actions set forth above, defendant Dahlberg intentionally inflicted emotional distress upon Mr. Salim.

* * *

Wherefore, Mr. Salim requests an order of the court granting him:

- * His actual damages in an amount appropriate to the proof at trial,
- * Punitive damages in an amount appropriate to the proof at trial,
- * His costs, including reasonable attorney's fees, and
- * Such other relief as is just.

Mr. Salim requests trial by jury.

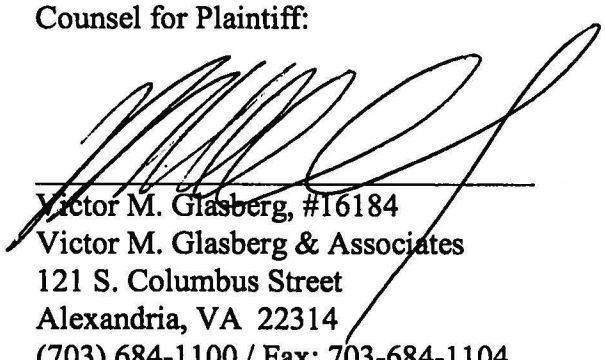
Respectfully submitted,

MOHAMED M. SALIM,

By counsel

Dated: April 2, 2015

Counsel for Plaintiff:



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SalimMohamed\Pleadings\Complaint

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AUDIO TRANSCRIPTION

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CAB DRIVER: MOHAMMED SALIM

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PASSENGER: EDWARD DAHLBERG

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1 P R O C E E D I N G S

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3 DAHLBERG: What do you think about jihad?

4 SALIM: Jihad?

5 DAHLBERG: Yeah.

6 SALIM: Jihad is, let me explain to you
7 jihad. There is a lot of different jihad. Jihad is
8 self-struggle. Jihad again is your enemy. Jihad,
9 someone invade your country.

10 DAHLBERG: No, no, no. You live here and
11 you're fucking in the United States.

12 SALIM: No, no, don't worry about here.
13 No, don't worry about here.

14 DAHLBERG: You live fucking here.

15 SALIM: Listen, you ask me -- you ask --

16 DAHLBERG: You live in the United States.

17 Are you supposed to kill Christians?

18 SALIM: No, I didn't --

19 DAHLBERG: I'm a Christian. You going to
20 fucking kill me?

21 SALIM: No. Did I say that?

22 DAHLBERG: No, I'm just saying, you fucking

1 live here --

2 SALIM: No, no.

3 DAHLBERG: -- in my fucking country.

4 SALIM: No, you ask me --

5 DAHLBERG: Why in the fuck should I put up

6 with your bullshit?

7 SALIM: No, no, you ask me question and I

8 was--

9 DAHLBERG: I'm asking you.

10 SALIM: And I explain to you but now you're

11 putting the word in my mouth and now you judging me.

12 DAHLBERG: I am judging you. You fucking

13 radical fuckers are fucking blowing people up all

14 over the world.

15 SALIM: Who, me?

16 DAHLBERG: Yeah. Yes, fucking you. Have

17 you read your fucking Jihad?

18 SALIM: So I'm a radical? I'm a --

19 DAHLBERG: Fucking A. If you're a Muslim,

20 you're a fucking jihadist.

21 SALIM: If I'm Muslim, I'm fucking

22 jihadist?

1 DAHLBERG: Hell, yes.

2 SALIM: So now you're judging me?

3 DAHLBERG: Yes.

4 SALIM: So I'm a terrorist?

5 DAHLBERG: Most of you are.

6 SALIM: Most. Why you say that?

7 DAHLBERG: Because every fucking Muslim
8 that's ever been interviewed says yes, death to all
9 Christians. We have to kill them. If they're not
10 fucking Muslim, then we must con -- your fucking --
11 your Bible, your Torah, whatever the fuck it is.

12 SALIM: Okay.

13 DAHLBERG: Says you must kill Christians,
14 right?

15 SALIM: That's what it says, our Koran,
16 must kill all the Christians?

17 DAHLBERG: Your Koran says you must kill
18 non-believers.

19 SALIM: Well, you're not serious, right?

20 DAHLBERG: I'm fucking serious as a heart
21 attack.

22 SALIM: You're serious?

1 DAHLBERG: Yes.

2 SALIM: So now you think --

3 DAHLBERG: You don't think your Koran says
4 that?

5 SALIM: Now you judge me?

6 DAHLBERG: Why do you not think those
7 motherfuckers flew planes in the World Trade Center?

8 SALIM: Now you're judging me, I'm a
9 terrorist, I'm a jihadist, I'm anti-Christian.

10 DAHLBERG: If you're Muslim, you are
11 fucking on that same page.

12 SALIM: Okay. I'm a Muslim.

13 DAHLBERG: Okay. What do you think about
14 the fucking assholes that flew planes into the World
15 Trade Center?

16 SALIM: Okay. That's another story but I
17 don't know why that's --

18 DAHLBERG: No, let me hear what you say
19 about that.

20 SALIM: I'm a Muslim.

21 DAHLBERG: Okay. Denounce those
22 motherfuckers now.

1 SALIM: Now you telling me --

2 DAHLBERG: Denounce those fucking assholes
3 now.

4 SALIM: Now you're telling me I'm a
5 terrorist, I'm a jihadists because I'm a Muslim?

6 DAHLBERG: No. I said denounce those
7 fucking assholes that flew jets into the World Trade
8 Center. Tell me that they are pieces of shit or you
9 are with them.

10 SALIM: Are you prejudiced?

11 DAHLBERG: Fucking A I am.

12 SALIM: You're prejudiced?

13 DAHLBERG: Yes. If you're a fucking Muslim
14 flying jets into the World Trade Center, then fuck
15 you. I will slice your fucking throat right now.

16 SALIM: You say you're threatening me?

17 DAHLBERG: Fucking A.

18 SALIM: Why you threaten --

19 DAHLBERG: Tell me you denounce those
20 motherfuckers now, that you're one of them and you're
21 a fucking terrorist.

22 SALIM: Why are you call me terrorist? Why

1 are you threatening me?

2 DAHLBERG: Because if you don't denounce
3 those fucking pieces of shit that flew jets into the
4 World Trade Center, then you are a fucking piece of
5 shit just like them.

6 SALIM: Do you know me?

7 DAHLBERG: I don't give a fuck if I know
8 you. I'm asking you the simple question. And you
9 can't answer it. Because you are a fucking Muslim
10 terrorist just like the rest of them.

11 SALIM: Okay.

12 DAHLBERG: I'm asking you, denounce those
13 pieces of fucking shit that flew those planes into
14 innocent fucking people in the World Trade Center on
15 2011 and you fucking won't denounce them because you
16 are a fucking Muslim piece of fucking shit. Fuck
17 Jihad. Fuck all that fucking Muslim shit.

18 SALIM: Okay. Just speak peace and sit
19 please.

20 DAHLBERG: Fuck you. Fucking peace.
21 You're a piece of shit. You're just as bad as the
22 rest of them. You know why? Because you won't

1 denounce it. You just want to fucking go with it.

2 Will you denounce it? Will you say that

3 that was bad? No, you won't.

4 SALIM: Sir, whatever you said is recorded.

5 DAHLBERG: I don't give a flying fuck.

6 SALIM: I'm going to call 911 right now.

7 DAHLBERG: Do you think that it was right

8 for the terrorists --

9 SALIM: I'm going to call you right now.

10 DAHLBERG: -- to fly planes into the United

11 States?

12 SALIM: I'm going to call you to the

13 police.

14 DAHLBERG: I don't give a fuck.

15 SALIM: Okay. Whatever you saying is

16 recorded and --

17 Now you're punching me? You punching me?

18 DAHLBERG: Do you think it was proper for

19 the United States --

20 SALIM: You -- you -- now you're punching

21 me, right? You punching me, right? Why you punching

22 me?

1 DAHLBERG: Fuck you.

2 SALIM: Why you punching me? Sir, why you
3 punching me?

4 DAHLBERG: Because you're a shit Muslim.

5 SALIM: All right. This is why I'm
6 recording all this stuff here. This is how he treat
7 me, this guy. So I'm going to call 911 right now
8 please. Thank you.

9 (End of audio transcription.)

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