

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

<p>DEBORAH D. PETERSON, Personal Representative of the Estate Of James C. Knipple (Dec.) (see Exhibit A for a Full List of Plaintiffs),</p> <p>Plaintiffs,</p> <p>v.</p> <p>ISLAMIC REPUBLIC OF IRAN; BANK MARKAZI a/k/a CENTRAL BANK OF IRAN; BANCA UBAE SpA; CITIBANK, N.A., and CLEARSTREAM BANKING, S.A.,</p> <p>Defendants.</p>	<p>Case No.: 10 CIV 4518</p> <p><b>FILED UNDER SEAL CONTAINS CONFIDENTIAL MATERIAL SUBJECT TO PROTECTIVE ORDER</b></p> <p><b><u>DECLARATION OF LIVIU VOGEL IN OPPOSITION TO BANK MARKAZI'S MOTION TO DISMISS THE SECOND AMENDED COMPLAINT</u></b></p>
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I, Liviu Vogel, an attorney duly admitted to practice law before the Courts of the State of New York, and this Court, declares under penalties of perjury:

1. I am a member of the firm of Salon Marrow Dyckman Newman & Broudy LLP, attorneys for Peterson Plaintiffs in the above-captioned action and I make this declaration in opposition to Bank Markazi's Motion to Dismiss the Second Amended Complaint, dated March 15, 2012 (the "Motion").

2. In addition to the information referred to in Exhibit A to Plaintiffs' Memorandum of Law in Opposition to Bank Markazi's Motion to Dismiss the Second Amended Complaint ("Plaintiffs' Opp. Brief") and Plaintiffs' Consolidated Rule 56.1 Statement of Facts dated April 2, 2012, filed in support of Plaintiffs' Motion for Partial Summary Judgment Against all Defendants, the following is additional information

pertaining to Plaintiffs-Judgment Creditors judgments for purposes of execution under TRIA § 201(a) and 28 U.S.C. § 1610(g):

- a. **“Peterson Plaintiffs”** as referred to in Exhibit A to Plaintiffs’ Opp. Brief hold a judgment against the Islamic Republic of Iran (“Iran”) and the Ministry of Information and Security (“MOIS”) pursuant to 28 U.S.C. § 1605(a)(7) for compensatory damages in the amount of \$2,656,944,877.00, which judgment remains wholly unsatisfied. (A true and accurate copy of the Peterson judgment is attached hereto as Exhibit 1);
- b. **“Valore Plaintiffs”** as referred to in Exhibit A to Plaintiffs’ Opp. Brief hold a judgment against Iran and MOIS pursuant to 28 U.S.C. § 1605(A) for compensatory damages in the amount of \$290,291,092.00 and punitive damages in the amount of \$1,000,000,000.00, which judgment remains wholly unsatisfied. (A true and accurate copy of the Valore judgment is attached hereto as Exhibit 2);
- c. **“Acosta Plaintiffs”** as referred to in Exhibit A to Plaintiffs’ Opp. Brief hold a judgment against Iran and MOIS pursuant to 28 U.S.C. § 1605(A) for compensatory damages in the amount of \$50,172,000.00 and punitive damages in the amount of \$300,000,000.00, which remains unsatisfied. (A true and accurate copy of the Acosta judgment is attached hereto as Exhibit 3);
- d. **“Greenbaum Plaintiffs”** as referred to in Exhibit A to Plaintiffs’ Opp. Brief hold a judgment against Iran and MOIS pursuant to 28 U.S.C. §

1605(a)(7) for compensatory damages in the amount of \$19,879,023.00, which remains unsatisfied. (A true and accurate copy of the Greenbaum judgment is attached hereto as Exhibit 4)

e. **“Heiser Plaintiffs”** as referred to in Exhibit A to Plaintiffs’ Opp. Brief hold a judgment against Iran, MOIS and the Iranian Revolutionary Guard Corps pursuant to 28 U.S.C. § 1605(A) for compensatory damages in the amount of \$254,431,903.00 and punitive damages in the amount of \$336,658,063.00, which judgment remains unsatisfied. (A true and accurate copy of the Heiser judgment is attached hereto as Exhibit 5) ; and

f. **“Levin Plaintiffs”** as referred to in Exhibit A to Plaintiffs’ Opp. Brief hold a judgment against Iran and MOIS pursuant to 28 U.S.C. § 1605(a)(7) for compensatory damages in the amount of \$28,807,719.00, which judgment remains unsatisfied. (A true and accurate copy of the Levin judgment is attached hereto as Exhibit 6)

3. Annexed hereto as Exhibit 7 is a true and accurate copy of Peterson Plaintiff’s Second Amended Complaint, without exhibits, dated December 7, 2011.

4. Annexed hereto as Exhibit 8 is a true and accurate copy of a list of the securities affected by Peterson Plaintiffs’ Writ of Execution and Restraining Notice served upon Citibank and Clearstream. The list was produced by Clearstream Banking S.A. (“Clearstream”) at the June 27, 2008 hearing held before this Court under docket number 18 Misc. 302 (“June 27, 2008 hearing”) as Exhibit C to Clearstream’s Compendium of Exhibits. It shows that as of April 25, 2012 all of the bonds restrained



by the Peterson Plaintiffs have matured and have been converted to cash. The cash is now held at Citibank N.A. ("Citibank"), in New York City, in a blocked interest-bearing account. See Exhibit O to Vogel Declaration in Support of Plaintiffs' Motion for Partial Summary Judgment dated April 2, 2012.

5. Annexed hereto as Exhibit 9 is a true and accurate copy of a schedule showing the positions held by Clearstream's customers in the bond bearing ISIN [REDACTED] as of June 16, 2008 which was sub-custodized at Citibank in New York. The schedule was produced and authenticated by Clearstream at the June 27, 2008 hearing as Exhibit G1 to Clearstream's Compendium of Exhibits. The schedule identifies [REDACTED]

6. Annexed hereto as Exhibit 10 is a true and accurate copy of a schedule showing the positions held by Clearstream's customers in the bond bearing ISIN [REDACTED] as of June 16, 2008 which was sub-custodized at Citibank in New York. The schedule was produced and authenticated by Clearstream at the June 27, 2008 hearing as Exhibit G2 to Clearstream's Compendium of Exhibits. The schedule identifies [REDACTED]

7. Annexed hereto as Exhibit 11 is a true and accurate copy of a schedule and supporting documents showing the transfer of Markazi's interest in the bond bearing ISIN [REDACTED] on March 6, 2008. The schedule was produced and authenticated

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\* The bonds bearing ISIN [REDACTED] and ISIN [REDACTED], reflected in Exhibits 3 and 4 annexed hereto, were initially restrained by the Peterson Plaintiffs, but subsequently released from restraint by this Court's Order dated June 27, 2008. These bonds are similar in nature to the other 20 bonds that remained restrained by the Court's June 27, 2008 Order.

by Clearstream at the June 27, 2008 hearing as Exhibit H to Clearstream's Compendium of Exhibits. The schedule identifies [REDACTED]

8. Annexed hereto as Exhibit 12 is a true and accurate copy of a schedule and supporting documents showing the transfer of Markazi's interest in the bond bearing ISIN [REDACTED] on March 7, 2008. The schedule was produced and authenticated by Clearstream at the June 27, 2008 hearing as Exhibit I to Clearstream's Compendium of Exhibits. The schedule identifies [REDACTED]

9. Annexed hereto as Exhibit 13 is a true and accurate copy of the Department of the Treasury's finding, dated November 18, 2011 that Markazi and other state-owned Iranian banks "willingly engage in deceptive practices to disguise illicit conduct, evade international sanctions, and undermine the efforts of responsible regulatory agencies" and provide financing for Iran's nuclear proliferation program.

Dated: New York, New York  
May 15, 2012



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