

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DEBORAH D. PETERSON, )  
Personal Representative of )  
the Estate of James C. )  
Knipple (Dec.), et al., )  
Plaintiff(s), )  
v. )  
ISLAMIC REPUBLIC OF IRAN, )  
et al., )  
Defendant(s). )  
\_\_\_\_\_ )

No. 08-80030 MISC JSW (BZ)  
**ORDER GRANTING PLAINTIFFS'  
MOTION COMPELLING ASSIGNMENT  
OF RIGHTS [CMA CGM]**

**IT IS ORDERED** that plaintiffs' motion for an order compelling the Islamic Republic of Iran ("Iran") to assign its rights to certain payments purportedly due from CMA CGM is **GRANTED**.

**IT IS FURTHER ORDERED** that by November 20, 2008, Iran must assign to plaintiffs, care of their attorney, David J. Cook, Cook Collection Attorneys, P.L.C., 165 Fell Street, Third Floor, San Francisco, CA 94102, pursuant to F.R.Civ.P. 69(a) and California Code of Civil Procedure section 780.510(a), all or part of any existing right to payment in

1 the United States, due or to become due, whether or not that  
2 right is conditioned on future developments, from and owing by  
3 CMA CGM, arising out of any commercial activity pertaining,  
4 specifically, to the use of any harbor, docking, wharf,  
5 drayage, loading or other harbor-like facilities in the United  
6 States, along with and including the sale of bunkered oil  
7 and/or fuel provided, sold, delivered, or vended to CMA CGM by  
8 Iran in the United States, for the purposes of satisfaction,  
9 in part or in whole, of the judgment of \$2,656,944,877.00 in  
10 Peterson v. Islamic Republic of Iran, case numbers 01-  
11 2094(RCL) and 01-2684(RCL) filed in United States District  
12 Court for the District of Columbia.

13 Pursuant to California Code of Civil Procedure section  
14 780.540, nothing in this order shall alter, affect,  
15 predetermine, prejudice or preadjudicate any rights, claims,  
16 defenses, privileges or entitlement due and in favor of CMA  
17 CGM in any action proceeding, undertaking, demand, or claim  
18 asserted by plaintiffs under and pursuant to the conditions of  
19 this order, and all such rights, claims, defenses, privileges,  
20 or entitlements due and in favor of CMA CGM are hereby  
21 preserved.

22 **IT IS FURTHER ORDERED** that plaintiffs shall prepare a  
23 form of assignment consistent with this Order, have it  
24 approved as to form by CMA CGM, and serve the assignment along  
25 with this Order on Iran by October 22, 2008.

26 **IT IS FURTHER ORDERED** that if Iran does not assign its  
27 rights as ordered, on December 17, 2008, in Courtroom G, 15th  
28 Floor, Federal Building, 450 Golden Gate Avenue, San

1 Francisco, California 94102, Iran shall show cause why such  
2 assignment shall not be entered on its behalf by the Clerk of  
3 Court, as a consequence of its failure to comply with this  
4 Order. In that event, by **December 3, 2008**, plaintiffs shall  
5 file a memorandum discussing this court's authority to enter  
6 such an assignment as a consequence of Iran's failure to  
7 comply and shall provide proof that Iran has been properly  
8 served.

9 Dated: October 14, 2008

10 \_\_\_\_\_  
11 Bernard Zimmerman  
12 United States Magistrate Judge

13  
14  
15  
16  
17 G:\BZALL\REFS\PETERSON v. ISLAMIC REPUBLIC OF IRAN\ASSIGNMENT  
18 ORDER.TENTATIVE RULE FINALIZED.wpd

19  
20  
21  
22  
23  
24  
25  
26  
27  
28