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 BANK MELLI

8 UNITED STATES DISTRICT COURT  
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN FRANCISCO DIVISION

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 12 MICHAEL BENNETT, *et al.*,  
 13 Plaintiffs,  
 14 v.  
 15 ISLAMIC REPUBLIC OF IRAN,  
*et al.*,  
 16 Defendants.

Case No. CV 11-5807 (CRB) (NJV)

**STIPULATION AND ~~PROPOSED~~  
 ORDER VACATING DEFAULT**

**Before the Honorable Charles R. Breyer  
 and Nandor J. Vadas**

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 19 VISA INC. and  
 FRANKLIN RESOURCES, INC.,  
 20 Third-Party Plaintiffs,  
 21 v.  
 22 BANK MELLI, *et al.*,  
 23 Third-Party Defendants.

1 Third-Party Defendant Bank Melli, Defendants and Third-Party Plaintiffs  
2 Visa Inc. and Franklin Resources, Inc. (“Visa” and “Franklin”), Plaintiffs Michael  
3 Bennett *et al.* (the “Bennett Plaintiffs”), Third-Party Defendants Steven Green-  
4 baum and Carlos Acosta *et al.* (the “Greenbaum/Acosta Judgment Creditors”), and  
5 Third-Party Defendants Estate of Michael Heiser *et al.* (the “Heiser Judgment  
6 Creditors”), by and through their undersigned counsel, hereby consent and stipu-  
7 late to the entry of this Order, and the Court concludes that good cause has been  
8 shown for the entry thereof:

9 1. Bank Melli’s motion to set aside the default (Doc. No. 104) is hereby  
10 **GRANTED**. The Clerk’s entry of default (Doc. No. 79) is hereby **VACATED**.

11 2. The vacating of the Clerk’s entry of default does not constitute a con-  
12 sent or agreement to any of the arguments or defenses raised by Bank  
13 Melli opposing the right of the Bennett Plaintiffs, the Greenbaum/Acosta Judgment  
14 Creditors, and the Heiser Judgment Creditors to a turnover of the assets deposited  
15 into the Court’s registry by Visa and Franklin.

16 3. Bank Melli hereby waives its objections to service of the summons  
17 and third-party complaint (Doc. Nos. 16, 45), reserving all other jurisdictional,  
18 immunity, and other defenses and objections.

19 4. The Stipulation with Proposed Order Awarding Turnover of Blocked  
20 Assets, Discharge of Stakeholders and Entry of Final Judgment (Doc. No. 95) and  
21 Bank Melli’s Motion to Stay Distribution (Doc. No. 98) are hereby **WITH-**  
22 **DRAWN** without prejudice.

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5. Bank Melli shall move against or answer the Third-Party Complaint within 30 days of the entry of this Order.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: July 5, 2012  
San Francisco, California

The Honorable Charles R. Breyer

