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11 File No. 52,759

12 Attorneys for Plaintiffs
13 **DEBORAH D. PETERSON, Personal Representatives**
14 of the Estate of James C. Knipple (Dec.), et al.

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 DEBORAH D. PETERSON, Personal)
19 Representative of the Estate of James C.)
20 Knipple (Dec.), et al.,)
21 Plaintiffs,)
22 vs.)
23 ISLAMIC REPUBLIC OF IRAN, et al.,)
24 Defendants.)

25 CASE NO. 3:08-mc-80030-JSW
26 DECLARATION OF DAVID J. COOK, ESQ.
27 IN SUPPORT OF MOTION FOR
28 ASSIGNMENT OF RIGHTS PURSUANT TO
C.C.P. § 708.510(a) AND F.R.C.P. 69(a)
**[HARBOR AND BUNKERED FUEL
RIGHTS - KAWASAKI KISEN KAISHA
LTD / "K" LINE]**
Date: September 3, 2008
Time: 10:00 a.m.
Courtroom: G, 15th Floor
Magistrate Judge: Bernard Zimmerman

I, DAVID J. COOK, hereby declare and state as follows:

1. I am one of the attorneys of record for Plaintiffs in the above-entitled action, am duly authorized to practice before all courts in the State of California, and am familiar with the facts and circumstances in this action.

2. The shipping schedule of **KAWASAKI KISEN KAISHA LTD / "K" LINE** shows that the Shipping Line frequents Iranian ports, harbors and other facilities. The Shipping Line's schedule is set forth by way of its website which shows its traffic, a true and correct copy of the download which is attached hereto marked *Exhibit "A."* The schedule demonstrates that the

1 Shipping Line services Iranian ports, and also American ports, thereby creating inferences, as
2 follows: 1) the Shipping Line is generally subject to the jurisdiction of the U.S. in both import and
3 export of products; 2) the Shipping Line is generally doing business with Iranian port facilities in
4 both imported and exported products.

5 3. As Plaintiffs have confirmed that the Shipping Line frequents Iranian harbors, ports,
6 wharfs, docks, and other harbor-like facilities. Plaintiffs likewise have determined that Iran has a
7 whole list of Tariffs which Iran charges oceangoing freighters, carriers, tankers, and the like, a true
8 and correct copy of the MANUAL OF Tariffs applicable to vessels and cargo in Ports of the
9 Islamic Republic of Iran which is attached hereto marked *Exhibit "B."* These tariffs clearly show
10 the charges imposed by Iran upon oceangoing carriers, such as the Shipping Lines as described
11 herein. Plaintiffs have also ascertained from a press release undertaken by the ports and shipping
12 organization of the Department of Transportation of Iran, that Iran sells bunkered oil.

13 4. A true and correct copy of the press release entitled "PSO news, In the name of God
14 Supplement to Port & Sea Magazine Nos 2/Sep-Oct, 2007 is attached hereto marked *Exhibit "C."*

15 5. The Ministry of Roads and Transportation generally oversees the PORTS & SHIPPING
16 ORGANIZATION ("P.S.O.") of Iran who manage the docks, harbors and related facilities
17 pursuant to the printout from the website entitled IR IRAN's Ports & Shipping Organization, a true
18 and correct copy of which is attached hereto marked *Exhibit "D."*

19 6. Iran charges these Shipping Lines an entire array of charges for the privilege of utilizing
20 Iranian docks, harbors, terminals and other maritime facilities, all hereinafter collectively "DOCK
21 FEES." This label is illustrative as seen by, e.g., the entire range of charges imposed by Iran
22 through its Manual of Tariffs Applicable to Vessels and Cargo in the Ports of the Islamic Republic
23 of Iran, a true and correct copy of which is attached hereto marked *Exhibit "B."*

24 7. The National Iranian Oil Products Distribution Company is a subsidiary of the National
25 Iranian Oil Refining and Distributing Co., which is part of the Ministry of Petroleum of the Islamic
26 Republic of Iran per the attached download, a true and correct copy which is attached hereto
27 marked *Exhibit "E."*

28 8. Declarant personally read, reviewed and downloaded all of the above-listed exhibits,

1 and personally obtained these documents by examining the website maintained by the Ports &
2 Shipping Organization website of The Islamic Republic of Iran. Furthermore, Declarant over the
3 last six months has become familiar with, if not immersed, in generally the economy of Iran and its
4 large-scale business and in which Iran maintains a series of websites, providing for a vast amount
5 of information. These Tariffs clearly show the charges imposed by Iran upon oceangoing carriers.
6 such as the Shipping Lines as described herein.

7 I declare under penalty of perjury that the foregoing is true and correct.

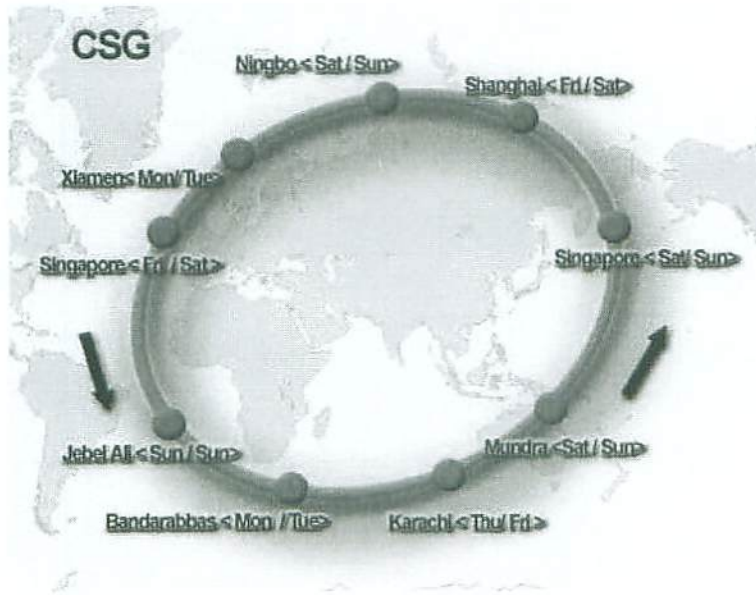
8 Executed on July 16, 2008.

9
10 /s/ David J. Cook
11 DAVID J. COOK, ESQ. (SB# 060859)

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EXHIBIT "A"



Westbound

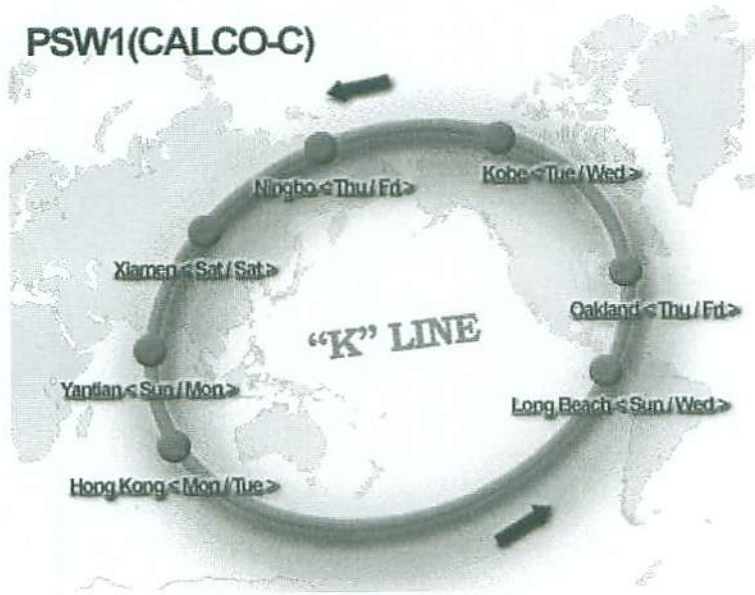
	Jebel Ali	Bandarabbas	Karachi	Mundra
Shanghai	15	16	19	21
Ningbo	14	15	18	20
Xiamen	12	13	16	18
Singapore	8	9	12	14

Eastbound

	Singapore	Shanghai	Ningbo	Xiamen
Jebel Ali	13	19	20	22
Bandarabbas	11	17	18	20
Karachi	8	14	15	17
Mundra	6	12	13	15

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Eastbound

	Long Beach	Oakland
Kobe	18	22
Ningbo	16	20
Xiamen	15	19
Yantian	13	17
Hong Kong	12	16

Westbound

	Kobe	Ningbo	Xiamen	Yantian	Hong Kong
Long Beach	13	15	17	18	19
Oakland	11	13	15	16	17

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