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8 Attorneys for Plaintiff  
 9 RADIAN INTERNATIONAL, LLC

10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA  
 12 SAN FRANCISCO DIVISION

13  
 14 RADIAN INTERNATIONAL, LLC, a  
 15 Delaware limited liability company,

16 Plaintiff,

17 v.

18 ALPINA INSURANCE COMPANY, a Swiss  
 corporation and wholly owned subsidiary of  
 19 Zurich Financial Services, a Swiss  
 corporation,

20 Defendant.

CASE NO. C 04-4537 SC

DECLARATION OF AMINE BOU ONK IN  
 SUPPORT OF PLAINTIFF RADIAN'S  
 OPPOSITION TO ZURICH INSURANCE  
 COMPANY'S MOTION TO DISMISS  
 COMPLAINT FOR IMPROPER VENUE,  
 LACK OF PERSONAL JURISDICTION, AND  
 FORUM NON CONVENIENS

Date: May 20, 2005  
 Time: 10:00 a.m.  
 Courtroom: 1

The Honorable Samuel Conti

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1 1. I, Amine Bou Onk, declare that the following is true and correct:

2 2. I have sufficient knowledge of the facts stated herein to make this  
3 declaration. If asked to testify as a witness in connection with this matter, I would testify  
4 consistently herewith.

5 3. I am employed by Radian International, LLC ("Radian") as the Contractor  
6 Representative and Project Manager for the remediation work Radian contracted with Solidere  
7 to perform at the Normandy Landfill Site in Beirut, Lebanon ("project site"). I have resided in  
8 Beirut, Lebanon for the duration of the remediation work performed in accordance with the  
9 Solidere contract.

10 4. The February 14, 2005 bomb which killed former Prime Minister Hariri,  
11 occurred in the central business district of Beirut, Lebanon. The business district is widely  
12 known to be the primary area where foreign business travelers stay while in Beirut, and is within  
13 close proximity to the project site.

14 5. I understand that at the time of his death, former Prime Minister Hariri  
15 was the largest shareholder of Solidere, and regarded as the driving force behind the company's  
16 inception.

17 6. Following the February 14, 2005 bombing and resulting death of Prime  
18 Minister Hariri, Radian ceased all operations at the project site due to safety concerns for its  
19 employees working in the area. On February 18, 2005, I sent a letter to Solidere, which notified  
20 them that an event of *Force Majeure*, as defined in Radian and Solidere's contract, had occurred.  
21 The documents that are attached hereto embody communications that I transmitted via facsimile  
22 in connection with my duties as the representative and project manager for Radian, and have  
23 been maintained by Radian in the regular course of its business in a file relating to the Solidere  
24 contract.

25 7. Attached hereto as Exhibit 1 is a true and correct copy of a facsimile  
26 transmission from me to Hisham Karamah, the representative for Solidere, dated February 18,  
27 2005, regarding the Notification of *Force Majeure*.

28 8. Attached hereto as Exhibit 2 is a true and correct copy of a facsimile

1 transmission sent from me to Neville Judd of WA Fairhurst International Partnership, the  
2 construction manager for Solidere, dated March 24, 2005, regarding the *Force Majeure* situation.

3 I declare under penalty of perjury under the laws of the State of California, that  
4 the foregoing is true and correct, and that this Declaration was executed in Beirut, Lebanon on  
5 the 29<sup>th</sup> day of April, 2005.

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8 Amine Bou Onk

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