

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

VICTOR RESTIS and ENTERPRISES
SHIPPING AND TRADING S.A.

Plaintiffs,

- v. -

AMERICAN COALITION AGAINST
NUCLEAR IRAN, INC. a/k/a UNITED
AGAINST NUCLEAR IRAN, MARK D.
WALLACE, DAVID IBSEN, NATHAN
CARLETON, DANIEL ROTH, MARTIN
HOUSE, MATAN SHAMIR, MOLLY
LUKASH, LARA PHAM, and DOES 1-10,

Defendants.

UNITED STATES OF AMERICA,

Intervenor.

Case No. 13-civ-5032 (ER)(KNF)

**DECLARATION OF MICHAEL BHARGAVA IN SUPPORT OF PLAINTIFFS’
MOTION TO COMPEL THE UNITED STATES AND DEFENDANTS TO PROVIDE
ADDITIONAL INFORMATION RELATING TO THE ASSERTION OF THE STATE
SECRETS PRIVILEGE AND OPPOSING DISMISSAL OF THE CASE**

Michael Bhargava declares, pursuant to 28 U.S.C. § 1746:

1. I am admitted *pro hac vice* to practice before this Court and am a member of the law firm of Chadbourne & Parke LLP, counsel for Plaintiffs Victor Restis and Enterprises Shipping and Trading S.A. (“Plaintiffs”).

2. I submit this Declaration in support of Plaintiffs’ Motion to Compel the United States and Defendants to Provide Additional Information Relating to the Assertion of the State Secrets Privilege and Opposing Dismissal of the Case.

3. Attached hereto as **Exhibit A** is a true and correct copy of the transcript of the pre-motion conference prior to the filing of this motion before the Hon. Judge Edgardo Ramos held on October 8, 2014.

4. Attached hereto as **Exhibit B** is a true and correct copy of the “clarification and correction” and notice of retraction published by the *Jerusalem Post* in reference to the October 7, 2014 article titled “Evidence obtained by JPost shows alleged ongoing violation of Iran sanctions, Greek magnate suing accusers in case involving US national security secrets.”

5. Attached hereto as **Exhibit C** is a true and correct copy of Laura Donahue, *The Shadow of State Secrets*, 159 U. Pa. L. Rev. 77-216 (2010).

6. Attached hereto as **Exhibit D** is a true and correct copy of a printout from the Georgetown University Law Center State Secrets Archive that lists cases in which courts have denied an assertion of the state secrets privilege, in whole or in part.

7. Attached hereto as **Exhibit E** is a true and correct copy of *The State Secrets Privilege and Access to Justice: What is the Proper Balance?*, 80 Fordham L. Rev. 1 (2011) (symposium).

Dated: October 29, 2014
Washington, DC

/s/Michael Bhargava
Michael Bhargava