

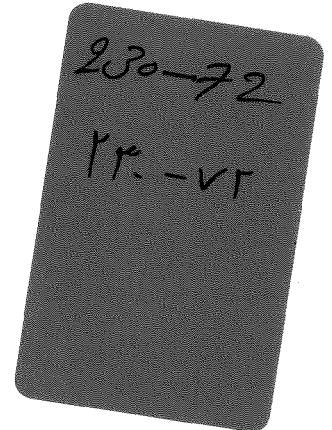
ORIGINAL DOCUMENTS IN SAFE

Case No. 230

Date of filing 27.4.83

Agreed Terms AWARD. Date of Award 27.4.83

3 pages in English. 3 pages in Farsi.



DECISION. Date of Decision _____

 pages in English. pages in Farsi.

ORDER. Date of Order _____

 pages in English. pages in Farsi.

CONCURRING OPINION of _____

Date _____ pages in English. _____ pages in Farsi.

DISSENTING OPINION of _____

Date _____ pages in English. _____ pages in Farsi.

OTHER; Nature of document: _____

Date _____ pages in English. _____ pages in Farsi.

IRAN - UNITED STATES CLAIMS TRIBUNAL

دادگاه داری دعاوی ایران - ایالات متحده

230-72

۲۳۰-۷۲

CASE NO. 230

CHAMBER TWO

AWARD NO. 40-230-2

FOREMOST McKESSON, INC.,
Claimant,

- and -

TOLIDARU (PRIVATE JOINT STOCK COMPANY);
MINISTRY OF INDUSTRIES AND MINES;
MINISTRY OF HEALTH;
BANK MARKAZI IRAN,

Respondents.

IRAN UNITED STATES CLAIMS TRIBUNAL		دادگاه داری دعاوی ایران - ایالات متحده	
ثبت شد - FILED			
Date		۱۳۶۲ / ۲ / ۷	
		27 APR 1983	
230		۲۳۰	

AWARD ON AGREED TERMS

DUPLICATE
ORIGINAL

نسخه برابر اصل

The Tribunal has satisfied itself that it has jurisdiction in this matter within the terms of the Declaration of the Government of the Democratic and Popular Republic of Algeria concerning the Settlement of Claims by the Government of the United States of America and the Islamic Republic of Iran of 19 January 1981.

The Claimant, FOREMOST McKESSON, INC., and the Respondent, TOLIDARU (PRIVATE JOINT STOCK COMPANY) have entered into a Settlement Agreement dated 19 April 1983, a copy of which is annexed hereto, resolving the matters in dispute between them.

Paragraph 1 of the Settlement Agreement provides for the payment to the Claimant of the sum of U.S. \$339,000 "in full and final settlement of all outstanding claims, counterclaims, defences and disputes pertaining to Case No. 230".

Paragraph 3 of the Settlement Agreement provides that payment of the said sum shall be made out of the Security Account established by paragraph 7 of the Declaration of the Government of the Democratic and Popular Republic of Algeria of 19 January 1981. A copy of the Settlement Agreement is annexed hereto.

On 20 April 1983 the Parties filed with the Tribunal a Joint Request for an Arbitral Award on Agreed Terms, signed by the authorised representatives of the Claimant and the Respondent TOLIDARU (PRIVATE JOINT STOCK COMPANY), whereby the Tribunal is requested to render an Award recording and giving effect to the said Settlement Agreement pursuant to Article 34 (1) of the Provisionally Adopted Rules of the Tribunal. A copy of the Joint Request is annexed hereto.

The Tribunal requested and received confirmation from the Claimant's authorised representative and from the Deputy Agent of the Islamic Republic of Iran to the Tribunal that the effect of the Settlement Agreement is to terminate all claims and counterclaims in respect of all named Respondents, although it was signed only on behalf of TOLIDARU (PRIVATE JOINT STOCK COMPANY).

For the foregoing reasons

THE TRIBUNAL AWARDS AS FOLLOWS:

The Settlement Agreement is hereby accepted and recorded as an Award on agreed terms, binding on both Parties, and consequently the Respondent, TOLIDARU (PRIVATE JOINT STOCK COMPANY) is obligated to pay the Claimant, FOREMOST McKESSON INC., the sum of Three Hundred Thirty Nine Thousand United States Dollars (US\$ 339,000.00) which obligation shall be satisfied by payment out of the Security Account established pursuant to Paragraph 7 of the Declaration of the Government of the Democratic and Popular Republic of Algeria of 19 January 1981.

This Award is hereby submitted to the President of the Tribunal for notification to the Escrow Agent.

Dated, The Hague

27 April 1983



Pierre Bellet
Chairman
Chamber Two

Shafie Shafeiei

George H. Aldrich

IN THE NAME OF GOD

BEFORE THE
IRAN-UNITED STATES CLAIMS TRIBUNAL

Claim No. 230

Chamber Two

FOREMOST MCKESSON, INC.,

Claimant,

IRAN UNITED STATES CLAIMS TRIBUNAL	دادگاه داری و داری ایران - ایالات متحده
FILED - ثبت شد	
Date ۱۳۶۲ / ۱ / ۳۱	
20 APR. 1983	
No. 230	۲۳۰

CH-2

VS.

TOLIDARU (PRIVATE JOINT STOCK COMPANY) et.al.,

Respondent.

JOINT REQUEST FOR AN
ARBITRAL AWARD ON AGREED TERMS

1. By its Statement of Claim filed in this Case on January 12, 1982, Claimant, Foremost Mckesson, Inc., sought an award of monetary damages against the Respondents as listed in the Statement of Claim.
2. As a result of negotiations between the parties, Claimant and Respondent have entered into a Settlement

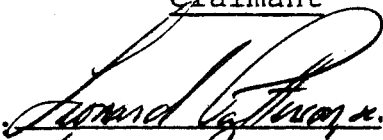
0.5 L SP

Agreement dated April 19, 1983, a copy of which is annexed hereto as Exhibit A. The Settlement Agreement was approved by the competent authorities of the Islamic Republic of Iran as provided therein.

3. Pursuant to the terms of Article 34(1) of the Tribunal Rules, Claimant and Respondent hereby jointly submit the Settlement Agreement to the Tribunal and request the Tribunal to issue an Award on Agreed Terms which will record and give effect to the said settlement.
4. There are no preconditions to which the award is subject.

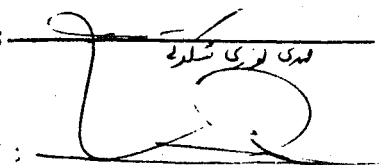
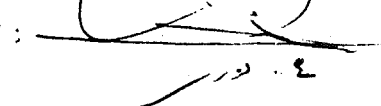
Claimant

BY:


LEONARD PATTERSON, M.

Respondent

BY:


BY: 

توافقنامه

این توافقنامه در تاریخ ۳۰ فروردینماه ۱۳۶۲
بین شرکت فورموست ماکسون، اینک، که بموجب
قوانین ایالت مریلند، از ایالات متحده امریکا
تشکیل شده است ("خواهان") و شرکت سهامی
تولیدارو (خاص) که بموجب قوانین ایران تشکیل
شده و به ثبت رسیده است ("خوانده") منعقد
گردید.

نظر باینکه خواهان، در خصوص ادعاهای ناشی
از قرارداد مورخ ۱۱ مارس ۱۹۷۷، منعقد بین
خواهان و خوانده دادخواستی تحت شماره ۲۳۰
در دادگاه داورى دعوى ایران - ایالات متحده،
لاسه، هلند به ثبت رسانیده است.

نظر باینکه خوانده نیز دفاعیات و ادعاهای
مقابلی را در ارتباط با قرارداد مورخ ۱۱ مارس
۱۹۷۷ موصوف در همان پرونده به ثبت رسانیده
است.

نظر باینکه خواهان و خوانده تمایل دارند
کلیه ادعاها و اختلافات و ادعاهای متقابل مشروحه
در پرونده موصوف را حل و فصل کنند.

SETTLEMENT AGREEMENT

This Agreement made this 19th
day of April 1983 by and between
Foremost-Mckesson, Inc., a
corporation organized under the
laws of the State of Maryland
United States of America ('Claimant')
and Tolidaru (Private Joint Stock
Company) a Company formed and
registered in Tehran, Iran ('Respo-
ndent').

WITNESSETH

WHEREAS, Claimant has filed
certain claims against Respondent
with the Iran-United States Claims
Tribunal, The Hague, the Netherlands,
Case No. 230 arising from and in
relation to the Agreement of March
11, 1977 entered into by and
between Claimant and Respondent.

WHEREAS, Respondent has filed
certain defences and counter-claims
pertaining to the said case arising
from and in relation to the said
Agreement of March 11, 1977.

WHEREAS, Claimant and Respondent
desire to resolve all claims dis-
putes and counter-claims outlined
in the said case.



علیهذا با توجه به ملاحظات و توافقات و
تعهدات متقابل مذکور در این سند طرفین بشرح
زیر توافق کردند :

NOW THEREFORE, in consideration
of the mutual covenants, premises
and agreements herein set forth,
the parties hereby agree as follows:

۱- بابت حل و فصل کامل و نهائی کلیه ادعاها و ادعاهای
متقابل و دفاعیات و اختلافات مربوط به پرونده
شماره ۲۳۰ موصوف طرفین موافقت کردند که
مبلغ * ۳۳۹'۰۰۰/- دلار ایالات متحده به
خواهان پرداخت شود. این ادعاها و ادعاهای
متقابل و دفاعیات و اختلافات تماماً "و کلاً" قطع
و فصل و مختومه شده است و دیگر در هیچ -
دادگاه و دیوان و مرجع داورى، در هر جا که
باشد قابل طرح نیست.

1. That in full and final settlement of
all outstanding claims, counter-
claims, defences and disputes
pertaining to Case No. 230, the
parties agree that the sum of U.S.\$
339,000* is due and owing Claimant.
Said claims, counter-claims,
defences and disputes are fully
and finally settled and conclu-
ded and may not, and shall not
be asserted or raised at any
court of law, tribunal or
arbitral body anywhere.

۲- طرفین این توافقنامه را به دادگاه داورى
دعوى ایران - ایالات متحده تسلیم خواهند
داشت و تقاضای صدور رای بر مبنای شرایط
مرضی الطرفین را خواهند نمود.

2. That the parties will present
this Settlement Agreement to
the Iran-United States Claims
Tribunal and request the
Tribunal to issue an Award on
Agreed Terms as set forth herein.

۳- رای صادره توسط دادگاه داورى درباره -
مبلغ مذکور در بند ۱ فوق با پرداخت آن از -
محل حساب مسدود مذکور در پاراگراف ۷ بیانیه
مورخ ۱۹ ژانویه ۱۹۸۱ دولت جمهوری دموکراتیک
مردم الجزایر اجرا خواهد شد.

3. That the award by the Tribunal
in the amount stated in paragraph
1 herein above shall be satis-
fied by payment out of the
Security Account established
by paragraph 7 of the Declaration
of the Democratic and Popular
Republic of Algeria dated 19
January 1981.

* سیمد و سی و نه هزار دالر .

* Three hundred thirty nine thousand.
US.Dollars.

۴- این حل و فصل و مفاد این توافقنامه فقط - نسبت به طرفهای مذکور در دادخواست ثبت شده در این پرونده موثر خواهد بود و در سایر پرونده‌های مطروحه در دادگاه دآوری - دعوای ایران - ایالات متحده اثری نخواهد داشت و مورد استناد قرار نخواهد گرفت.

۵- این توافقنامه نفوذ و اعتبار نخواهد یافت مگر پس از تصویب مراجع صالحه جمهوری اسلامی ایران. خواننده تصویبهای مذکور را کسب خواهد کرد و با اطلاع خواهان خواهد رسانید که آن تصویبها صورت گرفته است.

در تایید مراتب فوق طرفین این توافقنامه را در لاهه، هلند بامضا نمایندگان خود رسانیدند.

Foremost Mckesson, Inc.

فورمست ماکسون اینک

by Leonard Patterson, Jr.
LEONARD PATTERSON, JR.

توسط :

Tolidaru (private Joint Stock Company)

شرکت سهامی تولیدارو (خاص)

by _____

توسط :

دکتر علی شریعتی
دکتر علی شریعتی

دکتر :

4. That this settlement and the contents of this Settlement Agreement shall only be effective as between the parties listed in the Statement of Claim filed in this case and shall have no effect and must not be relied upon with respect to other cases before the Iran-United States Claims Tribunal.

5. That this Settlement Agreement shall come into force and effect only after the approval of the competent authorities of the Islamic Republic of Iran. The Respondent shall obtain such approvals and shall confirm to the Claimant that such approvals have been given.

IN WITNESS WHEREOF the parties caused this Settlement Agreement to be executed by their respective representatives in The Hague, The Netherlands.