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- Cases A15 (II:A), A26 (IV) & B43 (Partial Award No. 604) (10 March 2020) (phase 2), IV.B. Merits: B (3)(e) reparation (individual claims): (3) Claim G-8 (MORT/Gulf Ports Crating Co.)**
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 - a. overview **40.457-8**
 - b. Morgan Rock-Crushing Equipment **40.461-3**
 - c. Porta-Kamp Housing Units **40.459-61**
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- (b)(ii) valuation: parties' contentions (US)
 - i. overview **40.466-7**
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 - iv. additional costs **40.470**
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 - a. deterioration between delivery to Gulf Ports in Houston (February 1979) and shipment to Iran (February 1984) **40.471-2**
 - b. absence of persuasive evidence of rate of deterioration prior to 19 January 1981 **40.472-3**
 - c. Tribunal's conclusions **40.473-4**
 - ii. Morgan Rock-Crushing Equipment
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 - b. deterioration prior to mid-1985 **40.474-5**
 - c. liability for damage during transport of the equipment from New Orleans to Iran **40.475**
 - d. periods during which Iran bears the damages due to deterioration **40.476**
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 - ii. dismissal of claim for want of persuasive evidence **40.478**
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 - i. storage costs **40.478**
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 - iv. justification for MORT's caution **40.485-8**
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- (c)(v) Tribunal's total award on Claim G-8 **40.488**

Cases A15 (II:A), A26 (IV) & B43 (Partial Award No. 604) (10 March 2020) (phase 2), IV.B. Merits: B(3)(e) reparation (individual claims): (4) Claim G-7 (MORT/Port of Vancouver)

- (a) Tribunal's analysis and conclusion **40.488-90**
- (b)(i) valuation: parties' contentions (Iran)
 - i. overview **40.490**
 - ii. diminution of asset values due to deterioration
 - a. overview **40.490-1**
 - b. Morgan Rock-Crushing Equipment **40.493**
 - c. Transworld Housing Units **40.491-3**
 - iii. loss of use of assets **40.494**
 - iv. additional costs
 - a. storage costs **40.494-5**
 - b. MORT travel expenses **40.495**
 - c. legal fees and expenses **40.495**
 - v. mitigation of damage **40.495**
- (b)(ii) valuation: parties' contentions (US)
 - i. diminution of asset values due to deterioration **40.496-8**
 - ii. loss of use of assets **40.498**
 - iii. additional costs **40.498-9**
 - iv. mitigation of damages **40.499**
- (c)(i) valuation: diminution of asset values due to deterioration (Tribunal's decision)
 - i. Transworld Housing Units **40.499-501**
 - a. deterioration between delivery to the Port of Vancouver (January 1979)

- and shipment to Iran (31 December 1983) **40.499-500**
- b. absence of persuasive evidence of rate of deterioration prior to 19 January 1981 **40.500-1**
- c. Tribunal's conclusions **40.501**
- ii. Morgan Rock-Crushing Equipment
 - a. review of parties' conflicting evidence **40.501-2**
 - b. deterioration prior to mid-1985 **40.502**
 - c. liability for damage during transport of the equipment from New Orleans to Iran **40.502**
 - d. periods during which Iran bears the damages due to deterioration **40.502**
 - e. periods during which the US bears the damages due to deterioration **40.503**
- (c)(ii) valuation: loss of use of assets (Tribunal's decision)
 - i. review of the evidence **40.503**
 - ii. dismissal of claim for want of persuasive evidence **40.503-4**
- (c)(iii) valuation: additional costs (Tribunal's decision)
 - i. storage costs **40.504**
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 - iii. legal fees and expenses **40.504-5**
 - iv. overall conclusion for additional costs **40.505**
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 - i. justification for MORT's caution **40.505-6**
 - ii. Tribunal's finding in favour of Iran **40.506**
- (c)(v) Tribunal's total award on Claim G-7 **40.506**
- Cases A15 (II:A), A26 (IV) & B43 (Partial Award No. 604) (10 March 2020) (phase 2), IV.B. Merits: B(3)(e) reparation (individual claims): (5) Claim G-13 (MORT/ Shipside Packing Co.)**
 - (a) introduction **40.506**
 - (b)(i) parties' contentions (Iran)
 - i. loss of use of assets **40.507**
 - ii. additional costs **40.507-8**
 - iii. mitigation **40.508**
 - (b)(ii) parties' contentions (US)
 - i. loss of use of assets **40.508-9**
 - ii. additional costs **40.509**
 - iii. mitigation **40.509**
- (c)(i) valuation: loss of use of assets (Tribunal's decision)
 - i. review of the evidence **40.510-11**
 - ii. dismissal of claim for want of persuasive evidence **40.511**
- (c)(ii) valuation: additional costs (Tribunal's decision)
 - i. storage costs **40.511**
 - ii. repackaging costs **40.511-12**
 - iii. overall conclusion for additional costs **40.512**
- (c)(iii) mitigation
 - i. justification for MORT's caution **40.512-13**
 - ii. Tribunal's finding in favour of Iran **40.513**
- (c)(iv) Tribunal's total award on Claim G-13 **40.506**
- Cases A15 (II:A), A26 (IV) & B43 (Partial Award No. 604) (10 March 2020) (phase 2), IV.B. Merits: B(3)(e) reparation (individual claims): (6) contentions of the parties and expert witness evidence common to claims concerning aircraft parts**
 - (a) introduction **40.513-14**
 - (b)(i) parties' contentions (Iran)
 - i. replacement value **40.515-16**
 - ii. fair market value **40.516-17**
 - (b)(ii) parties' contentions (US)
 - i. replacement value **40.517-19**
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- Cases A15 (II:A), A26 (IV) & B43 (Partial Award No. 604) (10 March 2020) (phase 2), IV.B. Merits: B(3)(e) reparation (individual claims): (7) Claim Supp. (2)-55 (Iran Air/Plessey Dynamics Corp.)**
 - (a) introduction **40.519-20**
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 - i. replacement value **40.520-1**
 - ii. fair market value **40.521-2**
 - iii. proceeds of the sale of activators in 1988/1989 **40.521-2**
 - (b)(ii) parties' contentions (US)
 - i. replacement value **40.522**
 - ii. fair market value **40.522**

Cases A15 (II:A), A26 (IV) & B43 (Partial Award No. 604) (10 March 2020) (phase 2), IV.B. Merits: B(3)(e) reparation (individual claims): (7) Claim Supp. (2)-55 (Iran Air/Plessey Dynamics Corp.)

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- iii. proceeds of the sale of activators in 1988/1989 **40.522-3**
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 - i. absence of evidence of actual replacement cost **40.523**
 - ii. rejection of replacement cost as reliable basis for fair market value **40.523**
 - iii. cost approach to assessment of fair market value **40.523-4**
 - iv. estimating the original value
 - a. repair costs as evidence of **40.524**
 - b. Tribunal's estimate of **40.524**
 - v. assessment of replacement value on 26 February 1981 **40.524-5**
 - vi. fair market value (adjusted replacement value) **40.524-5**
 - vii. Tribunal's conclusion **40.525**

Cases A15 (II:A), A26 (IV) & B43 (Partial Award No. 604) (10 March 2020) (phase 2), IV.B. Merits: B(3)(e) reparation (individual claims): (8) Claims G-11 and Supp. (2)-67 (Iran Air/US Customs)

- (a) introduction **40.525-6**
- (b)(i) parties' contentions (Iran)
 - i. replacement value **40.526-7**
 - ii. fair market value **40.527-8**
- (b)(ii) parties' contentions (US)
 - i. replacement value **40.528-9**
 - ii. fair market value **40.529-30**
 - iii. rejection of replacement cost as reliable basis for fair market value **40.531**
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 - ii. rejection of replacement cost as reliable basis for fair market value **40.530-1**
 - iii. cost approach to assessment of fair market value **40.531-2**
 - iv. estimating the original value **40.532-3**
 - v. fair market value (adjusted replacement value) **40.533-4**
 - vi. Tribunal's conclusion **40.534**

Cases A15 (II:A), A26 (IV) & B43 (Partial Award No. 604) (10 March 2020)

(phase 2), IV.B. Merits: B(3)(e) reparation (individual claims): (9) Claim G-131 (Air Taxi/Piedmont Aviation, Inc.)

- (a) introduction **40.534-5**
- (b)(i) parties' contentions (Iran)
 - i. replacement value **40.535-6**
 - ii. fair market value **40.536**
 - iii. loss of use **40.536-7**
- (b)(ii) parties' contentions (US)
 - i. replacement value **40.537**
 - ii. fair market value **40.537-8**
 - iii. loss of use **40.538**
- (c)(i) Tribunal's decision: fair market value/assessment of
 - i. absence of evidence of actual replacement cost **40.538**
 - ii. cost approach **40.538**
 - iii. estimating the original value
 - a. absence of evidence of original cost/repair costs **40.538-9**
 - b. absence of evidence of resale price **40.539-40**
 - iv. dismissal of Iran's claim for want of proof **40.540**
- (c)(ii) Tribunal's decision: loss of use
 - i. review of the evidence **40.540-1**
 - ii. dismissal of Iran's claim for want of proof **40.541**
- (d) Tribunal's overall conclusion **40.341**

Cases A15 (II:A), A26 (IV) & B43 (Partial Award No. 604) (10 March 2020) (phase 2), IV.B. Merits: B(3)(e) reparation (individual claims): (10) Claim Supp. (2)-56 (Iran Air/Airesearch Manufacturing Co.)

- (a) introduction **40.541-2**
- (b)(i) parties' contentions (Iran)
 - i. replacement value **40.542-3**
 - ii. fair market value **40.543**
 - iii. legal fees and expenses **40.543**
- (b)(ii) parties' contentions (US)
 - i. fair market value **40.544**
 - ii. replacement value **40.543-4**
 - iii. legal fees and expenses **40.544**
- (c)(i) Tribunal's decision: replacement value and fair market value
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 - ii. limitation of Iran's claim to direct damages **40.545**

- iii. dismissal of claim (double recovery) **40.545**
 - (c)(ii) Tribunal's decision: legal fees and expenses in relation to settlement agreement
 - i. US breach of GD 9 obligation as cause of need for settlement agreement **40.545-6**
 - ii. Tribunal's finding in favour of Iran **40.546**
 - (d) Tribunal's award **40.546**
- Cases A15 (II:A), A26 (IV) & B43 (Partial Award No. 604) (10 March 2020) (phase 2), IV.B. Merits: B(3)(e) reparation (individual claims): (11) Claim G-105 (Khuzestan Water and Power Authority/ Exide Corp.)**
 - (a) introduction **40.546**
 - (b)(i) parties' contentions (Iran)
 - i. value of the items and deterioration **40.547-8**
 - ii. shipping costs **40.548**
 - (b)(ii) parties' contentions (US)
 - i. Exide's performance of contractual obligations/right to payment received from Iran **40.548-9**
 - ii. value of the items and deterioration **40.549-50**
 - iii. shipping costs **40.550**
 - (c) Tribunal's decision
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 - ii. date for valuation **40.550**
 - iii. original value of the items **40.551**
 - iv. indexed value of items up to the date of the US breach **40.551**
 - v. deduction for depreciation **40.551**
 - (d) Tribunal's award **40.551**
- Cases A15 (II:A), A26 (IV) & B43 (Partial Award No. 604) (10 March 2020) (phase 2), IV.B. Merits: B(3)(e) reparation (individual claims): (12) Claim G-32 (Iran Bastan Museum/Oriental Institute of the University of Chicago)**
 - (a) introduction **40.551-2**
 - (b)(i) parties' contentions (Iran)
 - i. return of the Chogha Mish artifacts **40.552**
 - ii. loss of use **40.552-6**
 - iii. dismissal of claim for want of proof **40.552-5**
 - iv. lost revenue from images provided to researchers **40.555**
 - v. lost revenue from sales of publications **40.555**
 - vi. total amount of lost revenue/rate of exchange **40.555-6**
 - (b)(ii) parties' contentions (US)
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 - a. untimeliness of claim **40.560**
 - b. lost revenue from museum ticket sales **40.553-5**
 - c. lost revenue from images provided to researchers **40.555**
 - d. lost revenue from sales of publications **40.555-6**
 - ii. legal fees and expenses incurred in defending artifacts **40.564-6**
 - (c)(i) Tribunal's decision: return of the Chogha Mish artifacts (request met) **40.566**
 - (c)(ii) Tribunal's decision: loss of use
 - i. Iran's fundamental error in not taking account of costs associated with generating the alleged revenues **40.567**
 - ii. lost profits
 - a. burden/standard of proof **40.567**
 - b. *Sedco* criteria **40.567-8**
 - iii. lost profits on potential museum sales
 - a. conflicting evidence on the quality of the artifacts **40.568**
 - b. small contribution of the artifacts to museum revenues **40.568-9**
 - c. value of the Cyprus Cylinder distinguished **40.569**
 - d. lack of expected visitor numbers **40.569**
 - e. contradictions between the evidence of Iran's expert witnesses **40.569-70**
 - f. dismissal of claim for want of proof **40.570**
 - iv. lost profits on potential sales of images to researchers
 - a. failure to take costs into account **40.570**
 - b. over-optimistic view of the market **40.570**
 - c. dismissal of claim for want of proof **40.570**

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- v. lost profits on potential sales of publications
 - a. contradictions between the evidence of Iran's expert witnesses **40.570-1**
 - b. failure to take costs into account **40.571**
 - c. over-optimistic view of the market **40.571**
- (c)(iii) Tribunal's decision: legal fees and expenses
 - i. summary of Iran's claim **40.571-2**
 - ii. US breach of GD 9 obligation as cause of
 - a. Iran's need to engage in *Rubin* proceedings **40.572**
 - b. Iran's need to engage in legal proceedings post-*Rubin* **40.572-3**
- (d) Tribunal's overall conclusion (rejection of claim for want of proof) **40.571**

Cases A15 (II:A), A26 (IV) & B43 (Partial Award No. 604) (10 March 2020) (phase 2), IV.B. Merits: B(3)(e) reparation (individual claims): (13) Claim G-115 (Museum of Natural History of Iran/Dr Douglas Lay)

- (a) introduction **40.574-5**
- (b) parties' evidence (Iran's failure to substantiate claim) **40.575**
- (c) Tribunal's decision
 - i. dependence of appointment on sufficient substantiation of claim/defence **40.575**
 - ii. Iran's claim rendered moot following Dr Lay's return of items at issue **40.575**
 - iii. absence of evidence of "other losses" during relevant period **40.575**
 - iv. dismissal of the claim in its entirety **40.575**

Cases A15 (II:A), A26 (IV) & B43 (Partial Award No. 604) (10 March 2020) (phase 2), IV.B. Merits: B(3)(e) reparation (individual claims): (14) Claim G-172 (Kharg/

Midland Pipe & Supply Co.) (valuation)

- (a) introduction **40.574-5**
- (b)(i) parties' contentions (Iran)
 - i. overview **40.576-7**
 - ii. PO No. KC-790004 (flanges and fittings) **40.577**
 - iii. PO No. KC-790009 (valves) **40.577-8**
 - iv. PO No. KC-790067 (valves) **40.578**
- (b)(ii) parties' contentions (US), appropriate method for determining fair market value **40.578-9**
- (c)(i) Tribunal's decision: Kharg claims as a whole
 - i. valuation date (26 February 1981) **40.579**
 - ii. cost approach to assessment of fair market value **40.579**
 - iii. determination of the original purchase price **40.580**
 - relevant evidence **40.580**
 - iv. replacement value **40.580**
 - v. deductions for depreciation **40.580-1**
 - vi. inclusion of shipping costs **40.581**
- (c)(ii) Tribunal's decision: remaining G-172 Items: PO No. KC-790004 (flanges and fittings)
 - i. original purchase price **40.581**
 - ii. replacement cost (original price adjusted for inflation) **40.581**
 - iii. fair market value (replacement cost adjusted for depreciation) **40.581-2**
 - iv. inclusion of shipping costs **40.582**
 - v. Tribunal's award **40.582**
- (c)(iii) Tribunal's decision: Remaining G-172 Items: PO No. KC-790009 (valves)
 - i. original purchase price **40.582-3**
 - ii. replacement cost (original price adjusted for inflation) **40.583**
 - iii. fair market value (replacement cost adjusted for depreciation) **40.583**
 - iv. inclusion of shipping costs **40.583**
 - v. Tribunal's award **40.583**
- (c)(iv) Tribunal's decision: Remaining G-172 Items: PO No. KC-790067 (valves)
 - i. status of items included in PO No. KC-790067 **40.504**
 - ii. original purchase price of the sold KC-790067 **40.584-5**
 - iii. replacement cost (original price adjusted for inflation) **40.585**

- iv. fair market value (replacement cost adjusted for depreciation) **40.585**
- v. inclusion of shipping costs **40.585**
- vi. Tribunal's award **40.585**
- (d) Tribunal's overall award on Claim G-172 **40.585**
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