

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
RAPHAEL BIGIO, BAHIA BIGIO,
FERIAL SALMA BIGIO and B. BIGIO & CO.,
:

97 Civ. 2858 (BSJ)

Plaintiffs,
:

- against -
:

THE COCA-COLA COMPANY and THE
COCA-COLA EXPORT CORPORATION,
:

AFFIRMATION OF
RAPHAEL BIGIO
:

Defendants.
:
-----X

RAPHAEL BIGIO hereby affirms to the best of his knowledge and recollection under penalty of perjury:

1. I am a plaintiff in this case and am submitting this Affirmation in support of the Plaintiffs' Memorandum of Law in Opposition to Defendants' Motion to Dismiss the Amended Complaint.

2. This Affirmation describes the steps I took to comply with the terms set forth in the Decision No. 335 for the year 1979 of the Ministry of Finance of Egypt, Department of Liquidation ("The Decision"), attached to the Amended Complaint as Exhibit 7.

3. In 1980, I received from the Ministry of Finance of Egypt the Order directed to Misr Insurance, attached to the Complaint as Exhibit 11, and also received a check that was issued by the Ministry of Finance, Department of Sequestration, payable to Misr Insurance Company, in the amount of 22,633.858 Egyptian pounds. I delivered the check to Misr




Insurance Company together with the Order. The check and Order were accepted by a mail clerk.

4. I was told to return to Misr Insurance Company the following day. On my return, a representative of Misr Insurance told me, "We do not recognize the decree of the Ministry of Finance." The check was not returned to me.

5. Misr Insurance Company also refused to discuss any other compensation issues relating to my property.

6. The Decision also references certain debentures purportedly issued to my father in 1969 as partial compensation for our property. In fact, these debentures were never received by any member of our family. To the best of my knowledge, certain debentures were created by the Egyptian government shortly after the property was sequestered, but were held at all times by the Central Bank of Egypt. No member of our family ever received the physical debentures, or any principal or interest payment, or any other payment, from these debentures.

7. In 1979, the Department of Sequestration issued a letter to the Central Bank of Egypt ordering that these debentures be cancelled. Exhibit A attached to this Declaration is a legal notice, registered in the Abdine Court (Cairo) by Mr. Chawki Wahba, Esquire, an attorney who represented my family, dated February 13, 1980, which was served by the bailiff upon the Central Bank of Egypt as well as Misr Bank. This Legal Notice recites the critical facts: that the debentures, as per the Order of the Department of Sequestration sent to each of these institutions, are to be cancelled and to be returned with their coupons to the region of their issuance. Mr. Wahba's Legal Notice accurately states that no payment had ever been made to any member of the family, so that no income tax regarding these debentures should be paid. We have complied with the terms of the Decision.



Pursuant to 28 U.S.C. 1746 I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and recollection.

Executed in Montreal, Canada
September 17th, 2009



Ralph (Raphael) Josias Bigio

EXHIBIT A

Translation of file 49 re bonds not cashed

Notice 3814 dated February 13 1980

Notice

On this day pursuant to the request of the inheritors of Josias Raphael Nessim Bigio and which are (1) his widow Mrs Bahia Bigio (2) his son Ralph Bigio (3) his daughter miss Salma Ferial Bigio, chosen (legal) domicile office of Chawki Wahba the attorney .

I Notice (*issued from*) Abdine Court moved on this date to the location of each of

- 1) **Central Bank** corner Sherrif Street and Kasr El Nil district Abdin in Cairo and I served upon the chairman of the board
- 2) **Misr Bank** headoffice Moustafa Kamel Street district Abdin in Cairo and served upon the chairman of the board.....

With following Notice

The Organization for the liquidation of the sequestration has informed the first party above through a **registered letter #16585 written on 5-11-1979** and the second party Through a **registered letter # 16566 of same date to cancel the compensation Bonds previously issued in the name Josias Nessim Bigio and to return them with their coupons to the region of their issuance.**

In view to the fact that the inheritors **did not receive the value of any coupon** of the coupons of these bonds , therefore, the income tax department is not entitled to any tax revenue for such bonds and it is important for the plaintiffs to put on notice each of those presently notified not to disburse any tax regarding such coupons.

Therefore

I the bailiff have served each of the above stated parties with a copy of these notices for notification with what has taken place and forewarned them not to pay any tax or claim concerning the bonds and their coupons previously stated in **view of the cancellation of these bonds** In view to the fact that the individual in which the bonds were issued or his inheritors did not benefit them . I also notified them to give the applicants a certificate which confirms issuing such bonds and their coupons forwarding to the organization which has issued them and I warned them in case they have paid any taxes regarding the sighted bonds , the plaintiffs will have a right of return against them for any amount paid (to the tax Department) as this will be contravening to the law.

Preserving the right of the plaintiffs for any mater.

C. H. WAHBY

Avocat à la Cour
68, Rue Abou Bakr El Suddik
Heliopolis
TEL. BUR. 874969
DOM. 868678

شوقي وهبي

محامي الاستئناف العالي ومحامس الدولة
٦٨ من أبو بكر الصديق بمصر الجديدة
مكتب ٨٧٤٩٦٩
الفيون | منزل ٨٦٨٦٧٨

٢٨١٤
٢٨/١٢

انذار بنابر على طلب الالام
دقت منتهي

انذار

الاربعاء ١٢/١٢/١٩٧٩ بنابر يوم الاثنين ١١/١٢/١٩٧٩

انه في يوم الاربعاء ١٢/١٢/١٩٧٩ بنابر يوم الاثنين ١١/١٢/١٩٧٩
بناءً على طلب ورثة المرحوم جوزياس روفائيل نسيم بيجو وهم (١) ارملة السيد هاشم بيجو
بيجو (٢) نجله السيد / رالف بيجو (٣) ابنته الانسة سلمى فريال بيجو وموطنهم
المختار مكتب الاستاذ شوقي وهبي المحامي .

انا المحضر محمد عبد الحليم محضر محكمة عابدين الجزئية انتقلت في تاريخه الى مقر كل من :
(١) البنك المركزي على ناصية شارعى شريف وقصر النيل تبع قسم عابدين بالقاهرة واعلنته
في شخص السيد مدير مجلس ادارته مخاطبا مع السيد مدير مجلس ادارة بنك مصر
(٢) بنك مصر المركز الرئيسي شارع مصطفى كامل تبع قسم عابدين بالقاهرة واعلنته في شخص
السيد مدير مجلس ادارته مخاطبا مع السيد مدير مجلس ادارة بنك مصر

بالانذار الاتسى

اخطر جهاز تصفية الحراسات بالانذار الاثني كل من المنذر اليه الاول بخطاب
مسجل رقم ١٦٥٨٥ مؤرخ ١٩٧٩/١١/٥ هـ كما انذر المنذر اليه الثاني بخطاب مسجل
رقم ١٦٥٦٦ بنفس التاريخ بالغاء سندات التحريض السابق عدورها باسم مورت الطالبين
المرحوم جوزياس روفائيل نسيم بيجو واعادتها مع كويتاتها الى الجهة التي اصدرتها .
وحيث انه نظرا الى ان مورت الطالبين لم يتسلم قيمة أى كيون من كويتات تلك
السندات فلا يحق لمصلحة الضرائب المطالبة بأية ضريبة عليها وبهم الطالبون انذار
كل من المنذر اليهما بعدم سداده ضرائب عن تلك الكويتات .

بناءً عليه

انا المحضر سالف الذكر قد اعلنت كل من المنذر اليهما بصورة من هذا الانذار للعلم
بما جاء به وانذرتهم بعدم سداد اية ضريبة او مطالبة عن السندات وكويتاتها المشار
اليها بسبب الغاء تلك السندات دون ان يكون الصادر باسمه او ورثته قد استفاد وامنها
كما انذرتهم باعطاء الطالبين شهادة تفيد استرجاع تلك السندات وكويتاتها للجهة
التي اصدرتها وحذرتهم بأنه في حالة سدادها لاية ضريبة لمصلحة الضرائب عن
السندات المشار اليها سيضطر الطالبون الى الرجوع عليهما بما يكونوا قد سددوه للمصلحة

Handwritten notes and signatures on the left margin, including a large signature at the bottom and various scribbles.

