

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 04-5139

September Term, 2004

Filed On: April 22, 2005 [890342]

00cv00716

00cv02601

Susan Weinstein, individually as co-administrator
of the estate of Ira William Weinstein, and as
natural guardian of plaintiff David Weinstein (minor),
et al.,

Appellees

Edwena R. Hegna, individually and as executrix of
Charles Hegna, Steven A. Hegna, Craig M. Hegna,
Lynn Marie Hegna Moore, and Paul B. Hegna,

Appellant

v.

Islamic Republic of Iran, et al.,

Appellees

Consolidated with Case No. 04-5162

Appeal from the United States District Court
for the District of Columbia

Before: EDWARDS, RANDOLPH, and TATEL, *Circuit Judges*

J U D G M E N T

This cause was considered on the record from the United States District Court for the District of Columbia, and was briefed and argued by counsel. It is

ORDERED AND ADJUDGED that the judgment of the District Court be affirmed.

This appeal presents the most recent in a series of attempts by appellants to enforce a default judgment against the Government of Iran. Edwena R. Hegna, individually and as executrix of Charles Hegna, and her four children appeal the judgments of the District Court granting appellee United States' motion to quash their writs of attachment and execution against properties located in Washington, D.C., and denying as moot the Hegnas' related motions.

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We affirm the judgments of the District Court, because we find that the Hegnas relinquished their rights to attach property at issue before an international tribunal when they received partial payment under the Victims of Trafficking and Violence Protection Act of 2000 (“VPA”), Pub. L. No. 106-386, § 2002, 114 Stat. 1464, 1541-43 (2000), as amended by the Terrorism Risk Insurance Act of 2002 (“TRIA”), Pub. L. No. 107- 297, § 201, 116 Stat. 2322, 2337-40 (2002). In so holding, we join the Second, Fourth, Fifth, and Seventh Circuits, each of which has rejected a similar appeal by the Hegnas with respect to other properties not located in Washington, D.C. See *Hegna v. Islamic Republic of Iran*, 402 F.3d 97 (2d Cir. 2005); *Hegna v. Islamic Republic of Iran*, 376 F.3d 226 (4th Cir. 2004); *Hegna v. Islamic Republic of Iran*, 376 F.3d 485 (5th Cir. 2004); *Hegna v. Islamic Republic of Iran*, 380 F.3d 1000 (7th Cir. 2004).

On the record before us, it is clear that all of the properties – real properties and financial assets – underlying the present appeal are at issue before the Iran-U.S. Claims Tribunal. The Government has submitted sworn declarations by high-ranking officials that attest to this fact, and the Hegnas have not seriously challenged the substance of these declarations. To the extent that some of the assets at issue contain funds that were designated for payment under the VPA, appellants may have a right to a further share of the VPA-designated funds. That does not, however, alter the status of those funds as property at issue before an international tribunal. Thus, appellants have relinquished their rights to attach those funds.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or rehearing *en banc*. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT:

Mark J. Langer, Clerk

By:

Michael C. McGrail
Deputy Clerk