

No. 23-7174

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

HULLEY ENTERPRISES LTD., ET AL.,
Appellees.

v.

RUSSIAN FEDERATION,
Appellant.

On Appeal from the United States District Court
For the District of Columbia,
Case No. 1:14-CV-01996 (Hon. Beryl A. Howell)

**APPELLEES' MOTION
TO EXPEDITE CONSIDERATION OF THE APPEAL**

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Pursuant to Fed. R. App. P. 2, Circuit Rule 2, and Section VIII(B) of the D.C. Circuit Handbook of Practice and Internal Procedures, Petitioners-Appellees Hulley Enterprises Ltd., Yukos Universal Ltd., and Veteran Petroleum Ltd. (collectively, “Petitioners”) respectfully request that the Court expedite the appeal, taken by Respondent-Appellant the Russian Federation, of the district court’s interlocutory order denying the Russian Federation’s motion to dismiss on the basis of sovereign immunity. The Russian Federation opposes this motion.¹

INTRODUCTION

The Court should expedite the appeal of this nine-year-old action because Petitioners and the public have a compelling interest in this Court promptly rejecting the Russian Federation’s claim to sovereign immunity.

In 2004, the Russian Federation expropriated Petitioners’ investments in OAO Yukos Oil Company (“Yukos”) in flagrant violation of the Energy Charter Treaty. In 2014, an Arbitral Tribunal seated in The Hague awarded Petitioners more than \$50 billion in compensation. Petitioners then promptly filed this confirmation action in November 2014, seeking to enforce the Arbitral Awards in the United States.

¹ The Russian Federation is represented, in the district court, by Carolyn Lamm, Esq., of the law firm of White & Case. On December 27, 2023, Ms. Lamm informed counsel for Petitioners that the Russian Federation would be represented on appeal by Andrea Pinna. On January 4, 2024, Mr. Pinna informed Petitioners by email that the Russian Federation opposed the motion to expedite.

In November 2023—after lengthy delays—the district court denied the Russian Federation’s motion to dismiss based on sovereign immunity. Doc. 01218582373 at 53 (“District Court’s Memorandum Opinion”). The district court correctly found that the Russian Federation expressly agreed that the Arbitral Tribunal had power to determine its own jurisdiction. *Id.* at 26-33.² The Arbitral Tribunal exercised that power to find that the Russian Federation, by signing the Energy Charter Treaty, offered to arbitrate this dispute—a finding that was binding on the district court. *Id.* at 33-35. The district court therefore held that the “arbitration exception” to the Foreign Sovereign Immunities Act (FSIA) removes the Russian Federation’s sovereign immunity. *Id.* at 19-35, 61 (applying 28 U.S.C. § 1605(a)(6)).

The public has a pressing interest in resolving the Russian Federation’s claim to sovereign immunity. The horrific war in Ukraine has led to multiple sponsored bills in Congress that would seize Russian sovereign assets. Meanwhile, other victims of the Russian Federation have filed confirmation proceedings in this Circuit. Those cases, like this one, are actions to enforce arbitral awards that were based either on the Energy Charter Treaty or on another investment-protection treaty, and thus those litigants and the District Court will particularly benefit from the prompt resolution of the present appeal.

² The District Court’s Memorandum Opinion begins on page 53 of the document filed as Doc. 01218582373 in this appeal. Citations to the Opinion in this motion refer to the page number of the Opinion located at the bottom of the page.

Further delay would cause irreparable harm to Petitioners' ability to enforce their Arbitral Awards against Russian assets in the United States. Twenty-one months ago, the district court found that "the economic response to war in Ukraine" is "increasingly compromising [Petitioners'] ability to access Russian Federation assets in the United States." *Hulley Enterprises Ltd. v. Russian Fed'n*, No. CV 14-1996 (BAH), 2022 WL 1102200, at *9 (D.D.C. Apr. 13, 2022). Since that finding, at least one other victim of the Russian Federation has moved forward with its own efforts to seek justice, and now appears poised to begin executing on two of the (few) known Russian assets in the United States. Meanwhile, Petitioners are unable even to begin executing on those assets until the district court enters final judgment confirming the Arbitral Awards. The district court has refused to take any further steps in that direction until this appeal is resolved.

The district court's *de facto* stay during this appeal may result in Petitioners achieving no recovery at all from their decades-long fight for justice. Justice delayed would mean justice denied. By expediting this appeal, this Court will send the important message to all of the Russian Federation's many victims that the Russian Federation's violations of the rule of law will not be tolerated, and that the Russian Federation will not be able to delay these proceedings any further.

BACKGROUND

Petitioners are the former majority owners of Yukos. In 2004, the Russian Federation caused the “destruction” of Yukos and “the expropriation of its assets.” Arbitral Award at 376 (¶ 1180), 367 (¶ 1148), 497 (¶ 1580), *Hulley Enterprises Ltd. v. Russian Fed’n*, No. 14-CV-1996-BAH (D.D.C. Nov. 25, 2014), ECF 2-1.³ This violated the Energy Charter Treaty. *Id.* at 498-99 (¶ 1585).

The expropriation of Yukos was President Putin’s regime’s “original sin,” i.e., his first obvious public violation of the rule of law on a grand scale.⁴ Russia’s brazen seizure of Yukos “laid the groundwork for everything that followed” in Putin’s ever-increasing disdain for international law.⁵ “Russia’s strategic turn against the West occurred exactly at this time.”⁶

Petitioners promptly initiated arbitrations against the Russian Federation in February 2005. An Arbitral Tribunal of three distinguished jurists was convened in The Hague, Netherlands. The Russian Federation expressly agreed to “accept the jurisdiction of this Arbitral Tribunal to determine its own jurisdiction.” District

³ All ECF citations are to the docket below, in *Hulley Enterprises Ltd. v. Russian Fed’n*, No. 14-CV-1996-BAH (D.D.C.).

⁴ Paul Stephan, “Justice and the Confiscation of Russian State Assets,” Lawfare (Mar. 10, 2023), <https://perma.cc/3XAZ-PB48>.

⁵ *Id.*

⁶ *Id.*

Court's Memorandum Opinion at 26-27 (quoting the Russian Federation's 2005 letter to the Tribunal).

In 2009, after a two-week evidentiary hearing, the Arbitral Tribunal found that it had jurisdiction pursuant to the Energy Charter Treaty's arbitration provision. Interim Award, ECF 2-4 at 215 (¶ 600). In 2014, the Arbitral Tribunal issued final Arbitral Awards that ordered the Russian Federation to pay more than \$50 billion. ECF 63 at 6-9 (describing procedural history); ECF 239 at 4 (same).

In November 2014, Petitioners filed this action to confirm the Arbitral Awards in the United States. ECF 1. Confirmation proceedings like this one are authorized by the New York Convention—an international treaty ratified by the United States⁷ and implemented in the Federal Arbitration Act. *Belize Soc. Dev. Ltd. v. Gov't of Belize*, 668 F.3d 724, 727 (D.C. Cir. 2012) (citing the Federal Arbitration Act, 9 U.S.C. §§ 201–208 (2006)). Confirmation proceedings are “summary in nature.” *Argentine Republic v. Nat'l Grid Plc*, 637 F.3d 365, 369 (D.C. Cir. 2011). They are expected to be conducted expeditiously. *See LLC SPC Stileks v. Republic of Moldova*, 985 F.3d 871, 879-81 (D.C. Cir. 2021) (district court properly considered the need for “expeditious resolution of disputes and the avoidance of protracted and

⁷ The Convention on the Recognition and Enforcement of Foreign Arbitral Awards, June 10, 1958, 21 U.S.T. 2517, 1970 WL 104417.

expensive litigation” in denying sovereign’s motion to stay confirmation proceeding).

On October 20, 2015, the Russian Federation filed two motions to dismiss. One motion (relevant to this appeal) contended that the Foreign Sovereign Immunities Act (“FSIA”) deprived the court of subject-matter jurisdiction, notwithstanding that Act’s “arbitration exception” and the Russian Federation’s signature on the Energy Charter Treaty. ECF 24. The other motion asserted non-jurisdictional defenses based on the New York Convention. ECF 23. The district court finally denied the FSIA motion on November 17, 2023—more than eight years after it was filed. ECF 275. The district court has so far refused even to allow *supplemental briefing* on the Russian Federation’s other motion. *See* ECF, Dec. 22, 2023 Minute Order.

The district court had previously stayed the case until February 2020 in deference to related proceedings in the Dutch courts. Because the arbitrations occurred in the Netherlands, the Dutch courts are the “primary jurisdiction” with principal authority to rule on the Russian Federation’s challenges to the Arbitral Awards—including, as relevant here, the Russian Federation’s claim that its signature on the Energy Charter Treaty was not a valid offer to arbitrate its dispute with Petitioners. Petitioners supported those early stays, from 2016 through February 2020.

On February 18, 2020, the Dutch Court of Appeal issued a comprehensive 130-page decision that thoroughly and methodically disposed of each one of the Russian Federation's challenges. ECF 181-26. Thereafter, Petitioners pressed the district court to resolve the Russian Federation's FSIA motion promptly. ECF 181. Petitioners pointed out that the Dutch Court of Appeal's opinion was the final word on most of the disputed issues, since the Dutch Supreme Court lacked power, under Dutch law, to review any of the Court of Appeal's factual findings. *Id.* at 2, 13-20. The district court nevertheless instead re-imposed a stay, pending the Russian Federation's appeal to the Dutch Supreme Court. ECF 194.

Petitioners sought a writ of mandamus from this Court compelling the District Court to lift the stay. *See Hulley Enterprises Ltd., et al., v. Russian Federation*, Case No. 20-7113 (D.C. Cir.), Doc. 1900377. Before this Court ruled on that petition for mandamus, the Dutch Supreme Court issued its decision. The Dutch Supreme Court rejected all of the Russian Federation's grounds for appeal that had any relevance to the FSIA motion, and remanded one other ground to the Amsterdam Court of Appeal.⁸ The Dutch Supreme Court's decision had the effect of automatically lifting

⁸ The *sole* ground on which the Russian Federation prevailed, in the Dutch Supreme Court, was its challenge to the Hague Court of Appeal's holding that the Russian Federation's belated (and meritless) allegations, of fraud committed during the arbitration, could *only* be raised in a separate "revocation" proceeding. *See* ECF 204 at 8. The Dutch Supreme Court held that, in an appropriate case, Dutch law will permit such allegations to be made in set-aside proceedings, and that the Hague Court of Appeal erred in holding that a revocation proceeding is the only procedure

the district court's stay, and for that reason Petitioners voluntarily dismissed their petition for mandamus in this Court. Consent Mot. to Dismiss, *Hulley Enterprises Ltd., et al., v. Russian Federation*, Case No. 20-7113 (D.C. Cir.), Doc. 1922936.

The Russian Federation then moved the district court for yet another stay, pending the outcome of the Dutch Supreme Court's limited remand to the Amsterdam Court of Appeal. ECF 201. On April 13, 2022, the District Court denied that motion. ECF 228, 229. The district court found: "The delay in this case has already been substantial: the arbitration underlying this litigation was initiated almost two decades ago [W]ith the economic response to war in Ukraine increasingly compromising the Shareholders' ability to access Russian Federation assets in the United States in the event of succeeding in this action, the confirmation proceedings in this forum must proceed." *Hulley Enterprises Ltd.*, 2022 WL 1102200, at *9. The district court also noted that "the Russian Federation's motion to dismiss on sovereign immunity grounds is fully briefed and ripe for resolution"

available to make such allegations. *Id.* at 8-9. The Dutch Supreme Court also held that such allegations could only be the basis for setting aside the Awards if the "fraud" was so severe as to violate Dutch "public policy," under Article 1065(1)(e) of the Dutch Code of Civil Procedure. *Id.* at 9. The Dutch Supreme Court did not address, or express any opinion on, the merits of the Russian Federation's allegations of fraud during the arbitration. *Id.* Nor did the Dutch Supreme Court address, or express any opinion on, the question of whether raising such allegations for the first time in the course of an appeal in the setting aside proceedings was a violation of due process in this case. *Id.* Those issues were remanded to the Amsterdam Court of Appeal, which has informed the parties that it expects to hand down its judgment on February 13, 2024.

and that “supplemental briefing is neither required nor necessary.” *Id.* at *8. The district court nevertheless permitted the parties to submit supplemental briefs on the FSIA motion. *Id.* at *10.

After those supplemental briefs were filed, another *seventeen months* went by before the district court finally denied the Russian Federation’s FSIA motion. ECF 276. During those seventeen months, the Russian Federation continued to request that the district court delay the resolution of the FSIA motion until the Dutch courts finally disposed of all the Russian Federation’s remaining challenges. ECF 267 at 1-6.

After the Russian Federation noticed its interlocutory appeal last month, the district court again stayed the case—refusing even to receive *supplemental briefing* on the Russian Federation’s other, non-FSIA motion to dismiss, which motion had already been extensively briefed by the Russian Federation in prior years.⁹ ECF, Dec. 22, 2023 Minute Order (citing *Process & Industrial Development Ltd. v. Federal Republic of Nigeria (“P&ID”)*, 962 F.3d 576 (D.C. Cir. 2020) for the proposition that an interlocutory appeal of a denial of sovereign immunity divests the district court of jurisdiction even to receive briefing on other issues until the appeal is resolved).

⁹ The briefing would be supplemental because the non-FSIA motion had been extensively briefed by the Russian Federation in 2015-2016. ECF 23 and ECF 271.

ARGUMENT

The Court should grant expedited review because “the public generally,” and “persons not before the Court,” have “an unusual interest in prompt disposition” of the Russian Federation’s claim of immunity. D.C. Cir. Handbook, § VIII(B).¹⁰ The Court should also grant expedited review because further “delay will cause irreparable injury” to Petitioners. *Id.* During the delay, the Russian Federation’s remaining assets in the United States will be seized by other creditors.

I. The public has an “unusual interest” in prompt disposition.

There are currently four other arbitral-award confirmation actions pending against the Russian Federation in the District of Columbia.¹¹ These actions seek to confirm more than \$10 billion in arbitration awards rendered against the Russian Federation and in favor of nineteen different petitioners. These actions arise from the Energy Charter Treaty—the same treaty that conferred jurisdiction on the arbitral panel in this case—or from the bilateral investment treaty between Ukraine and the

¹⁰ The Handbook also requires that “the decision under review is subject to substantial challenge,” but that requirement presumes that the *appellant* seeks to expedite the appeal. Here, Petitioners, the Appellees, seek to expedite the appeal.

¹¹ See *Stabil LLC et al. v. Russian Federation*, 22-cv-00983-TNM (D.D.C. filed Apr. 9, 2022) (eleven petitioners); *NJSC Naftogaz of Ukraine v. Russian Federation*, 23-cv-01828-JDB (D.D.C. filed June 22, 2023) (six petitioners); *Joint Stock Co. State Savings Bank of Ukraine v. Russian Federation*, 23-cv-00764-ACR (D.D.C. filed March 21, 2023) (one petitioner); *Yukos Capital Ltd. v. Russian Federation*, 22-cv-00798-CJN (D.D.C. filed March 23, 2022) (one petitioner).

Russian Federation.¹² This Court’s prompt resolution of this appeal will aid those other litigants (and the district court) in disposing of the Russian Federation’s FSIA defenses.

The public at large also has an unusually strong interest in this Court’s prompt resolution of the Russian Federation’s claim to have immunity for its repeated violations of international law. The Russian Federation’s appalling war of aggression in Ukraine has prompted U.S. Senators to propose new legislation that would seize Russian assets—either to help compensate Putin’s victims,¹³ or to reimburse the U.S. government for the aid it has given Ukraine.¹⁴ Government seizure of Russian assets

¹² See Pet. to Confirm Arbitration Award, *Stabil LLC et al. v. Russian Federation*, 22-cv-00983-TNM, ECF 1 (D.D.C. filed Apr. 9, 2022) (arbitration conducted pursuant to the bilateral investment treaty between Ukraine and the Russian Federation); Pet. To Confirm Arbitration Award, *NJSC Naftogaz of Ukraine v. Russian Federation*, 23-cv-01828-JDB, ECF 1 (D.D.C. filed June 22, 2023) (same); Pet. To Confirm Arbitration Award, *Joint Stock Co. State Savings Bank of Ukraine v. Russian Federation*, 23-cv-00764-ACR, ECF 1 (D.D.C. filed March 21, 2023) (same); Pet. to Enforce Arbitral Award, *Yukos Capital Ltd. v. Russian Federation*, 22-cv-00798-CJN, ECF 1 (D.D.C. filed March 23, 2022) (arbitration conducted pursuant to the Energy Charter Treaty).

¹³ Senate Foreign Relations Committee, “Risch, Whitehouse, McCaul, Kaptur Introduce Legislation to Repurpose Sovereign Russian Assets for Ukraine,” June 15, 2023, <https://perma.cc/5AY5-RP2M>.

¹⁴ A bill to authorize the confiscation of assets of the Russian Federation and the use of such assets to offset costs to the United States of assistance to Ukraine, S.536, 118th Cong. (2023), <https://perma.cc/7TPN-AC48>.

has been widely debated in the press¹⁵ and in academia, where the debates often turn on the Russian Federation's ability to claim sovereign immunity.¹⁶

This robust and ongoing debate demonstrates the public's strong interest in promptly resolving the Russian Federation's claim to sovereign immunity.

¹⁵ See Paola Tamma and James Polti, "Washington puts forward G7 plan to confiscate \$300bn in Russian assets," *Financial Times* (Dec. 28, 2023), <https://www.ft.com/content/d206baa8-3ec9-42f0-b103-2c098d0486d9>; David E. Sanger and Alan Rappeport, "U.S. and Europe Eye Russian Assets to Aid Ukraine as Funding Dries Up," *New York Times* (Dec. 21, 2023), <https://www.nytimes.com/2023/12/21/us/politics/russian-assets-ukraine.html>; Laura Dubois and Sam Fleming, "The Legal Case for Seizing Russia's Assets," *Financial Times* (Dec. 20, 2023), <https://www.ft.com/content/adb09fd6-e5f7-4099-9994-806814b4c9b4>; Michael McFaul, Oona A. Hathaway, Maggie Mills and Thomas Poston, "Should We Seize Russian Funds to Pay for the War in Ukraine? Commentators Weigh In.," *The Washington Post* (Nov. 16, 2023), <https://perma.cc/DDY9-MV95>; Jeff Stein, John Hudson, and Amanda Coletta, "U.S. Intensifies Push to Use Moscow's \$300 Billion War Chest for Kyiv," *The Washington Post* (Oct. 11, 2023), <https://perma.cc/9SNB-JRCN>.

¹⁶ Laurence H. Tribe, Raymond P. Tolentino, Kate M. Harris, Jackson Erpenbach, and Jeremy Lewin, The Legal, Practical, and Moral Case for Transferring Russian Sovereign Assets to Ukraine, *Renew Democracy Initiative* 128-137 (Sept. 2023), <https://perma.cc/A6A5-AMQL>; Stephan, *supra* note 4; Oona A. Hathaway, Maggie Mills, and Thomas M. Poston, "War Reparations: The Case for Countermeasures," 76 *Stanford Law Review* 28-40 (forthcoming 2024), <https://perma.cc/LV3A-C7PG>; Ingrid Brunk, "Central Bank Immunity, Sanctions, and Sovereign Wealth Funds," 91 *George Washington Law Review* 1616 (2023), <https://perma.cc/S74T-YH5Y>; Dapo Akande et al., Legal Memorandum, "On Proposed Countermeasures Against Russia to Compensate Injured States for Losses Caused by Russia's War of Aggression Against Ukraine" ¶¶ 35, 72-73 (Nov. 20, 2023), <https://perma.cc/5Y2C-32KK>; New Lines Institute for Strategy and Policy, "Multilateral Asset Transfer: A Proposal for Ensuring Reparations for Ukraine" 28-29, 37-39 (June 2023), <https://perma.cc/76UP-HJQT>; Chimène Keitner, "Expert Q&A on Asset Seizure in Russia's War in Ukraine," *Just Security* (Apr. 3, 2023), <https://perma.cc/54DQ-MWEE>.

II. Petitioners will suffer irreparable harm if this appeal is not expedited.

The Court should also expedite this appeal because further delay will cause “irreparable injury” to Petitioners. D.C. Circuit Handbook, § VIII(B). The Russian Federation has confirmed, many times over, its policy to “never pay” the Arbitral Awards. ECF 181, at 7-10. Indeed, the Russian Federation has even *amended its own Constitution* in an attempt to bar Petitioners from collecting on these awards. *Id.* at 7. The district court rightly found this to be “troubling.” ECF 194, at 29.

Because the Russian Federation will never pay the Arbitral Awards voluntarily, regardless of the district court’s ruling, Petitioners will have no other option but to seek enforcement against the Russian Federation’s assets in this country. But with each day that passes, it becomes more difficult for Petitioners to find and execute on Russian assets in the United States. As the district court found in April 2022, in its order denying the Russian Federation’s second opposed motion for a stay, the sanctions imposed on the Russian Federation as a result of its crimes in Ukraine are “increasingly compromising [Petitioners’] ability to access Russian Federation assets in the United States.” *Hulley Enterprises Ltd.*, 2022 WL 1102200, at *9; *see also* ECF 225 at ¶ 2 (describing the “unprecedented sanctions” being imposed on the Russian Federation “almost daily”). The district court therefore found that continued delay “would carry significant hardship for [Petitioners].” *Hulley Enterprises Ltd.*, 2022 WL 1102200, at *9. That finding is now twenty-one

months old. The sanctions against the Russian Federation continue. *See* U.S. Dep’t of Treasury, Office of Foreign Assets Control, “Russia-related Sanctions,” <https://perma.cc/M2RY-AZNP>.

The proposed legislation seizing Russian assets, discussed above, demonstrates the real risk that all such assets will be seized by the government either to contribute to the United States’ continued support of Ukraine or to compensate the victims of the Russian invasion of Ukraine—potentially leaving Petitioners with no assets left to seize.

In addition to potential seizures of Russian assets by public authorities, there is also at least one *private* creditor poised to execute on the Russian Federation’s few remaining non-immune assets in the United States. In 2013, Judge Lamberth imposed sanctions on the Russian Federation in the amount of \$50,000 per day, in response to the Russian Federation’s refusal to abide by his order to return sacred manuscripts to the Chabad-Lubavitch spiritual movement. *See* Order, *Agudas Chasidei Chabad of U.S. v. Russian Fed’n*, No. 05-cv-01548-RCL, ECF 115 (D.D.C. Jan. 16, 2013). Because of the Russian Federation’s continued defiance, those sanctions now total almost \$200 million. Chabad is on the point of attaching the assets of two instrumentalities of the Russian Federation: VEB.RF (a state development bank) and Tenex (a Russian State-owned uranium supplier). *See id.*, Memorandum Opinion, ECF 268 (D.D.C. Feb. 27, 2023), at 1-2. Chabad completed

the last necessary step—service on the Russian Federation of the attachment motion—in October 2023. *Id.*, Aff. of Service by U.S. Dep’t of State, ECF 285 (D.D.C. Nov. 3, 2023). If this Court does not expedite this appeal, then the delay in this case will enable Chabad to execute on those Russian assets before Petitioners have the opportunity to do so.

PROPOSED SCHEDULE

For all of these reasons, Petitioners-Appellees respectfully request that the Court expedite the briefing schedule and oral argument in this case. Petitioners respectfully propose the following schedule:

Russian Federation’s Opening Brief: 21 days from the Court’s order

Petitioners’ Opposition Brief: 21 days from the Russian Federation’s brief

Russian Federation’s Reply Brief: Fourteen days after Petitioners’ opposition brief

Oral argument scheduled: April or May 2024

Dated: January 19, 2024

Respectfully Submitted,

/s/ Steven M. Shepard _____

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CERTIFICATE OF COMPLIANCE

I, Steven Shepard, counsel for appellees Hulley Enterprises Ltd. et al., and a member of the Bar of this Court, certify pursuant to Federal Rules of Appellate Procedure 27(d) and 32(g), that the foregoing Motion to Expedite is proportionally spaced, has a typeface of 14 points or more, and contains 3,608 words.

/s/ Steven M. Shepard
Steven M. Shepard

CERTIFICATE OF SERVICE

I hereby certify that on January 19, 2024, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the District of Columbia by using the appellate CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

I also emailed a copy of the foregoing document to the Russian Federation's counsel in the district court and to Mr. Andrea Pinna and his colleagues at the Pinna Legal firm. Mr. Pinna has previously confirmed to me, by email, that his firm will represent the Russian Federation in this appeal. *See supra* note 1. Specifically, on January 19, 2024, I emailed the foregoing document to the following email addresses:

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Date: January 19, 2024

/s/ Steven M. Shepard
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