

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TECO GUATEMALA HOLDINGS, LLC

Petitioner,

v.

REPUBLIC OF GUATEMALA,

Respondent.

Civil Action No.: 20-cv-09559-LTS

**JOINT STIPULATION OF WITHDRAWAL OF RESTRAINING NOTICE AND
MOTION TO VACATE RESTRAINING NOTICE**

WHEREAS, in an action before the United States District Court for the District of Columbia, between TECO Guatemala Holdings, LLC (“Petitioner” or “TGH”) and the Republic of Guatemala (“Respondent” or “Guatemala”), a judgment was entered by the District Court for the District of Columbia on November 4, 2019 in favor of Petitioner in the amount of \$35,462,237 (the “Judgment”), plus interest;

WHEREAS, the District Court for the District of Columbia and the United States Court of Appeals for the District of Columbia Circuit have declined to stay the enforcement of the Judgment pending appeal;

WHEREAS, the District Court for the District of Columbia has further issued an order determining that, pursuant to 28 U.S.C. § 1610(c), a reasonable amount of time has elapsed since the entry of the Judgment such that Petitioner may pursue all possible methods of attachment or execution of Respondent’s property to satisfy the Judgment;

WHEREAS, Petitioner registered the Judgment with the Supreme Court of the State of New York, New York County, on October 28, 2020;

WHEREAS, as of November 2, 2020, the full amount of the Judgment and all interest that had accrued thereon, totaling \$37,398,553.12, remained due and unpaid;

WHEREAS, on November 2, 2020, Petitioner served a restraining notice pursuant to CPLR 5222 (the “Asset Restraint”) upon non-party the Bank of New York Mellon (“BNYM”);

WHEREAS, on November 13, 2020, Respondent removed this action to the United States District Court for the Southern District of New York, docket number 20-cv-09559-LTS, and filed a motion to vacate the Asset Restraint, ECF Nos. 2-3; and

WHEREAS, as of November 24, 2020, the Judgment has been satisfied;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED THAT

1. Petitioner has withdrawn and vacated the Asset Restraint served on non-party BNYM, a true and correct copy of which is appended hereto as **Exhibit A**; and
2. Respondent hereby withdraws its motion to vacate the Asset Restraint, ECF Nos. 2-3, as moot.

Dated: November 24, 2020

/s/ Gregory M. Starner

Gregory M. Starner

White & Case LLP
1221 Avenue of the Americas
New York, N.Y. 10020
Tel.: (212) 819-8200
Email: gstarner@whitecase.com

Attorney for Petitioner TGH

/s/ Quinn Smith

Quinn Smith

GST LLP
1111 Brickell Avenue
Ste. 2715
Miami, FL 33131
Tel: (305) 856-7723
Email: quinn.smith@gstllp.com

Attorney for Respondent Guatemala

SO ORDERED _____
United States District Judge