

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

_____)	
HULLEY ENTERPRISES LTD.,)	
YUKOS UNIVERSAL LTD., AND)	Case No. 1:14-cv-01996-BAH
VETERAN PETROLEUM LTD.,)	
)	
<i>Petitioners,</i>)	Chief Judge Beryl A. Howell
v.)	
)	
THE RUSSIAN FEDERATION,)	
)	
<i>Respondent.</i>)	
_____)	

NOTICE OF SUPPLEMENTAL AUTHORITIES

The Russian Federation respectfully submits this Notice attaching the Decision of the Dutch Supreme Court rendered on September 25, 2020 (Ex. A), as well as the Opinion of the Dutch Advocate General rendered on September 11, 2020 (Ex. B). Both of these authorities conclude that the Dutch Supreme Court is authorized under Dutch law to suspend the Awards during the Russian Federation’s ongoing appeal in Case No. 20/01595.

Both authorities thus reject Petitioners’ contrary arguments in their entirety. In their Opposition to the Motion to Extend the Stay, Petitioners repeatedly told this Court that the Dutch Supreme Court “has no jurisdiction even to consider a request to suspend” the Awards during the pending Dutch appeal in the annulment proceedings. Opp’n 10, 29 (ECF 181) (“[T]he [Dutch] Supreme Court lacks jurisdiction even to consider this extraordinary and unprecedented request.”); T. Cohen Jehoram Decl. ¶ 128 (ECF 181-43) (same); Letter from Petitioners to the Dutch Supreme Court, June 24, 2020 (ECF 181-52) (same).

The Dutch Supreme Court and Dutch Advocate General have now authoritatively rejected Petitioners’ contentions as a matter of Dutch law. Ex. A ¶¶ 3.3.1-3.5 (concluding that the Dutch Supreme Court is competent “to hear an application . . . to suspend the enforcement of

an arbitral award that is the subject of setting aside proceedings pending before the Supreme Court”); Ex. B ¶¶ 3-4 (“[T]he Supreme Court has jurisdiction to adjudicate applications for both permanent and provisional suspensions.”); *see also* Second Meijer Decl. ¶ 41 (ECF 182-10).

In any event, the possibility that the Dutch Supreme Court might grant the Russian Federation’s now pending request to suspend the Awards is only a peripheral issue.¹ More importantly for the U.S. litigation before this Court, these two new Dutch authorities further demonstrate the inaccuracy of Petitioners’ statements about Dutch law—as well as the inaccuracy of Petitioners’ predictions about the ultimate “outcome of the Dutch proceedings.” *See* Stay Ruling 18 (ECF 154). This Court should extend the Stay Ruling, therefore, because the 2020 Dutch Judgment “remains subject to reversal” and this case remains “a paradigm example of a case warranting a stay where the legal viability of claims may rest on determinations in another legal proceeding.” *Id.* at 18-19, 22 (emphasis added).

September 28, 2020

Respectfully submitted,

WHITE & CASE LLP

/s/ Carolyn B. Lamm

Carolyn B. Lamm (D.C. Bar No. 221325)

Nicolle Kownacki (D.C. Bar No. 1005627)

David P. Riesenberg (D.C. Bar No. 1033269)

Jennifer Ivers (D.C. Bar No. 1027193)

701 Thirteenth Street, NW

Washington, DC 20005

Phone: (202) 626-3600

clamm@whitecase.com

Counsel for the Russian Federation

¹ This is because U.S. District Courts routinely grant stays of litigation even where no suspension was applied in the primary jurisdiction, as previously noted. Sur-Surreply 10 & n.6 (ECF 189) (collecting cases); Reply 13 (ECF 182) (collecting cases). Most recently, this principle was confirmed yet again in the decision to extend the original stay in *Masdar Solar & Wind Cooperatief U.A. v. Kingdom of Spain*, No. 1:18-cv-2254, Order 1-2 (D.D.C. Sept. 8, 2020) (Ex. C) (explaining that a suspension of the arbitral award, or lack thereof, in the annulment proceedings is “not the central pillar” of the stay analysis in parallel U.S. litigation, because—even with no suspension—the annulment proceedings anyway will produce a “ruling [that] could illuminate (or moot)” the U.S. litigation).