

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AGUDAS CHASIDEI CHABAD)
OF THE UNITED STATES,)
))
Plaintiff,)
))
v.)
))
RUSSIAN FEDERATION; RUSSIAN)
MINISTRY OF CULTURE AND MASS)
COMMUNICATION; RUSSIAN STATE)
LIBRARY; and RUSSIAN STATE)
MILITARY ARCHIVE,)
))
Defendants.)
))

Case No. 1:05-cv-01548-RCL

PLAINTIFF’S NOTICE OF SUPPLEMENTAL AUTHORITY

On January 28, 2014, Plaintiff Agudas Chasidei Chabad of the United States (“Chabad”) filed a Motion for entry of an interim judgment (Dkt. 127) in the amount of \$14,750,000, reflecting the sanctions that had accrued as of January 16, 2014 under this Court’s January 16, 2013 Sanctions Order (Dkt. 115). In its Sanctions Order, the Court found Defendants – the Russian Federation, the Russian Ministry of Culture and Mass Communication (“Ministry”), the Russian State Library (“RSL”), and the Russian State Military Archive (“RSMA”) (collectively, “Russia”) – to be in contempt of this Court’s July 30, 2010 Order Granting Default Judgment (Dkt 80) requiring the return of Chabad’s sacred, religious books, manuscripts, and other things that were seized during the Bolshevik Revolution and Second World War, and that have continued to be wrongfully retained by Russia after the collapse of the Soviet Union. The United States filed a Statement of Interest on February 21, 2014 (Dkt. 134) in response to Chabad’s

Motion for entry of an interim judgment, and Chabad filed its response on February 28, 2014 (Dkt. 135).

As of the date of this filing, Russia has not returned any of Chabad's priceless religious books, manuscripts or other materials. The amount of the accrued sanctions as of August 11, 2014 is \$25,000,000.

Since the briefing described above, the Supreme Court of the United States has held that the Foreign Sovereign Immunities Act ("FSIA") does not limit the scope of discovery available to a judgment creditor in a postjudgment execution proceeding against a foreign sovereign. *Republic of Argentina v. NML Capital, Ltd.*, 134 S. Ct. 2250 (2014) (Exh. A). Chabad filed an amicus brief in *NML Capital*, which emphasized the importance of postjudgment discovery procedures to meaningful enforcement of lawful injunctions issued under FSIA directing foreign states to return property taken in violation of international law. Brief *Amicus Curiae* of Agudas Chasidei Chabad of United States in Support of Respondent, *NML Capital*, 134 S. Ct. 2250 (2014) (No. 12-842) (Exh. B). In *NML Capital*, the Supreme Court held that FSIA does not limit postjudgment discovery to inquiries regarding property already known to be "executable under the relevant jurisdiction's law." *NML Capital*, 134 S. Ct. at 2257. Rather, judgment creditors may use subpoenas properly issued under the Federal Rules of Civil Procedure to identify such attachable property in the first instance. *Id.*

Pursuant to the *NML Capital* ruling, Chabad intends to issue subpoenas to discover assets that may be subject to attachment and execution by standard discovery procedures in United States Courts. Chabad intends to seek enforcement of this Court's original judgment (Dkt. 80, 101) and the contempt sanction (Dkt. 115) against assets that are subject to attachment and execution in the United States or abroad. It is Chabad's hope that pursuit of such assets and,

ultimately, attachment and liquidation of that property will prompt Russia to comply with this Court's rulings and help speed the return of Chabad's sacred religious texts.

Date: August 22, 2014

Respectfully submitted,

By: /s/ Seth Gerber

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(*Pro Hac Vice*)

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