IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

CRYSTALLEX INTERNATIONAL CORP.,

Plaintiff, C.A. No. 17-mc-00151-LPS

BOLIVARIAN REPUBLIC OF VENEZUELA,

v.

Defendant.

NOTICE OF APPEAL

Pursuant to Federal Rules of Appellate Procedure 3 and 4 and the collateral order doctrine, notice is hereby given that Petróleos de Venezuela, S.A. ("PDVSA"), intervenor in the above-captioned action, hereby appeals to the United States Court of Appeals for the Third Circuit from the Order of this Court entered on August 9, 2018 [D.I. 78] (the "Order"), which denied PDVSA's cross-motion to dismiss for lack of subject matter jurisdiction under the Foreign Sovereign Immunities Act, 28 U.S.C. §§ 1330, 1602, et seq. Because the Order denies PDVSA's sovereign immunity, it is immediately appealable under the collateral order doctrine. See Fed. Ins. Co. v. Richard I. Rubin & Co., 12 F.3d 1270, 1281, 1282 (3d Cir. 1993) (holding that district court's denial of a claim of foreign sovereign immunity is immediately appealable under the collateral order doctrine); Princz v. Fed. Republic of Germany, 998 F.2d 1, 1 (D.C. Cir. 1993) (per curiam) (Wald, J., and Ginsburg, R.B., J.) ("a district court's denial of a foreign state's motion to dismiss on grounds of sovereign immunity is immediately appealable").

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