

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

EISER INFRASTRUCTURE LIMITED, and  
ENERGIA SOLAR LUXEMBOURG  
S.A.R.L.,

Petitioners,

v.

KINGDOM OF SPAIN,  
Respondent.

Civil Action No. 18-1686 (CKK)

**ORDER**

(August 5, 2020)

The Court has received the parties' Joint Status Report, ECF No. 54, in which Petitioners indicate that they filed an application under Article 49(2) of the ICSID Convention seeking relief from the ad hoc committee's decision regarding annulment. Respondent maintains the position that the decision annulling the Award in its entirety is final and non-appealable, and that the case must therefore be dismissed with prejudice. Based on the parties' recent Joint Status Reports, including the most recent Joint Status Report, the Court **ORDERS** the following:

First, the Court **LIFTS** the stay in this matter, which was imposed on February 13, 2020, *see* ECF No. 51, pending a decision by the ad hoc committee, as the ad hoc committee has now issued a decision.

Second, the Court **DENIES WITHOUT PREJUDICE** Respondent's Motion to Dismiss, ECF No. 16, considering the significant underlying factual changes since it was filed on December 14, 2018, including the issuance of a decision by the ad hoc committee.

Third, the Court accordingly **DENIES AS MOOT** Respondent's Motion to Strike or Disregard Petitioners' "Supplemental Filing" in Response to the European Commission's Amicus Brief, ECF No. 42. Amicus the European Commission's Amicus Brief, as the Court understands it, was filed in support of Respondent based on the arguments made in the original Motion to Dismiss and was filed in relation to that Motion. As the Court will require the parties to brief again any Motion to Dismiss, this Motion relating to the Amicus Brief as originally submitted is moot

in light of the Court's denial without prejudice of the Motion to Dismiss. This Order does not preclude Amicus from moving for leave to file another amicus brief.

Fourth, the Court shall require the parties to file a further Joint Status Report. In the Joint Status Report, the parties shall provide any factual updates regarding Petitioners' seeking of relief under ICSID Article 49(2) and with respect to their positions. In addition, the parties shall indicate any intent to file further motions in this case. In particular, Respondent shall indicate whether, based on its position as outlined in previous Joint Status Reports (see ECF Nos. 54 and 53), it intends to move to dismiss Petitioners' claims. The parties shall propose a briefing schedule for any motions they intend to file. This Joint Status Report shall be filed by no later than **SEPTEMBER 3, 2020**.

**SO ORDERED.**

**Dated:** August 5, 2020

\_\_\_\_\_/s/  
COLLEEN KOLLAR-KOTELLY  
United States District Judge