

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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RWE RENEWABLES GMBH & RWE	:
RENEWABLES IBERIA S.A.U.,	:
	:
<i>Petitioners,</i>	:
	:
v.	: Civil Action No. 1:21-cv-03232-JMC
	:
KINGDOM OF SPAIN,	:
	:
<i>Respondent.</i>	:
	:
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**PETITIONERS’ MOTION FOR PRELIMINARY INJUNCTION AND  
TEMPORARY RESTRAINING ORDER**

Petitioners RWE Renewables GmbH and RWE Renewables Iberia, S.A.U. (collectively, “Petitioners” or “RWE”) by and through their undersigned counsel, respectfully request that this Court enter a preliminary injunction pursuant to Federal Rule of Civil Procedure 65(a): (1) enjoining the Kingdom of Spain (“Spain”) from (a) seeking an interlocutory decree or any other relief in the action commenced by Spain in Regional Court Essen by summons and complaint initiated on December 22, 2022 (the “German Action”) or in other German proceedings requiring Petitioners to suspend, hold in abeyance, or withdraw any proceedings before this Court, or that otherwise interferes with, obstructs, or delays resolution of RWE’s Petition to Enforce Arbitral Award (ECF No. 1), and (b) pursuing any other foreign litigation that interferes with, obstructs, or delays resolution of RWE’s Petition to Enforce Arbitral Award; and (2) directing Spain to withdraw its requests for relief in the German Action requiring RWE to “refrain from seeking recognition or declaration of enforceability” or continuing to “pursue” such recognition and enforcement of the Award insofar as it relates to the proceedings before this Court.

Petitioners also respectfully request that the Court enter a temporary restraining order pursuant to Federal Rule of Civil Procedure 65(b) to preserve the status quo while the Parties brief and the Court rules on the instant Motion.

As set forth in the accompanying Memorandum in Support of Petitioners' Motion for Preliminary Injunction and related papers, an anti-suit injunction is necessary to preserve the jurisdiction of the Court over the instant action and to prevent Spain's effort in the German Action to prevent this Court from performing its duty under 28 U.S.C. § 1650(a) to enforce Petitioners' arbitral award under the Convention on the Settlement of Investment Disputes between States and Nationals of Other States.

Counsel for Petitioners sent a copy of these papers to counsel for Spain on March 24, 2023 in accordance with Local Civil Rule 65.1(a) prior to filing. In the afternoon of March 24, 2023, counsel for Petitioners notified counsel for Spain of this Motion and sought their position on this Motion. Counsel for Spain have not indicated whether they oppose this Motion.

For these reasons and the reasons set forth in the accompanying memorandum of law, Petitioners respectfully request that the Court grant this Motion and issue a temporary restraining order and preliminary injunction.

Dated: March 24, 2023

Respectfully submitted,

        /s/ Bradley S. Pensyl        

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**CERTIFICATE PURSUANT TO L.CV.R 65.1(a)**

Pursuant to Local Rule 65.1(a), I hereby certify that copies of all pleadings and papers to be presented to the Court at the hearing on the above application for a temporary restraining order have been delivered to Respondent by email addressed to Respondent's counsel of record, Jonathan Landy at [jlandy@wc.com](mailto:jlandy@wc.com), Benjamin Graham at [bgraham@wc.com](mailto:bgraham@wc.com), and Csaba Rusznak at [crusznak@sovereignarbitration.us](mailto:crusznak@sovereignarbitration.us), at approximately 6:15 p.m. on March 24, 2023. Counsel have been notified that the time of any further hearing on the application for the temporary restraining order has not yet been set by the Court.

*/s/ Bradley S. Pensyl*  
Bradley S. Pensyl

**CERTIFICATE OF SERVICE**

I certify that on March 24, 2023, I caused a true and correct copy of the foregoing to be filed using the Court's Electronic Case Filing System ("ECF"). The document is available for review and downloading via the ECF system, and will be served by operation of the ECF system upon all counsel of record.

*/s/ Bradley S. Pensyl*  
Bradley S. Pensyl