

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

CEF Energia, B.V. <p style="text-align: center;">v.</p> The Italian Republic	Petitioner, Respondent.
Greentech Energy Systems A/S (now known as Athena Investments A/S), Novenergia General Partner S.A. (acting as liquidator of Novenergia II Energy & Environment (SCA) SICAR), and Novenergia II Italian Portfolio	Petitioners, <p style="text-align: center;">v.</p> The Italian Republic Respondent.

Case No. 1:19-cv-03443-ACR

PETITIONERS' STATUS REPORT

Petitioners in the above-captioned consolidated case take note of The Honorable Ana C. Reyes' assignment to this case effective February 24, 2023. Petitioners intend to file a motion for recusal of Judge Reyes under 28 U.S.C. § 455 based upon her recent representation of the Kingdom of Spain in *Cube Infrastructure Fund SICAV v. Kingdom of Spain*, Case No. 1:20-cv-1708 (D.D.C.), *RREEF Infrastructure (G.P.) Limited v. Kingdom of Spain*, Case No. 1:19-cv-03783 (D.D.C.), *Infrared Environmental Infrastructure GP Limited v. Kingdom of Spain*, Case No. 1:20-cv-817 (D.D.C.), *Hydro Energy I, S.à.r.l. v. Kingdom of Spain*, Case No. 1:21-cv-02463 (D.D.C.), and *AES Solar Energy Coöperatief U.A. v. Kingdom of Spain*, Case No. 1:21-cv-03249 (D.D.C.). Each of those cases involves some of the same legal issues that arise in this case, including whether this Court has subject matter jurisdiction under the arbitration exception to foreign sovereign immunity in 28 U.S.C. § 1605(a)(6) based upon the arbitration provision in the Energy Charter Treaty, in a so-called "intra-EU dispute." *See, e.g., CEF Energia, B.V. v. The Italian Republic*, Case No. 19-cv-3443 (D.D.C.), ECF No. 26-1 (The Italian Republic's Memorandum of Law in

Support of Its Motion to Dismiss and Opposition to the Petition to Enforce the Arbitral Award), at 34-38. Respondent has indicated that it will not oppose Petitioners' motion for recusal.

Dated: New York, New York
March 3, 2023

Respectfully submitted,

/s/ Thomas C.C. Childs
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