

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

NJSC NAFTOGAZ OF UKRAINE, *et al.*,

Petitioners,

v.

THE RUSSIAN FEDERATION,

Respondent.

Case No. 1:23-cv-01828-JDB

SECOND DECLARATION OF DAVID Z. PINSKY

I, David Z. Pinsky, declare as follows pursuant to 28 U.S.C. § 1746:

1. I am a partner with the law firm of Covington & Burling LLP, counsel for petitioners NJSC Naftogaz of Ukraine, National Joint Stock Company Chornomornaftogaz, JSC Ukrtransgaz, JSC Ukrgasvydobuvannya, JSC Ukrtransnafta, and Subsidiary Company Gaz Ukrainy (collectively, “Petitioners”) in the above-referenced matter and in the now-concluded underlying arbitration captioned *NJSC Naftogaz of Ukraine et al. v. The Russian Federation*, PCA Case No. 2017-16 (the “Arbitration”).

2. I am a member in good standing of the bar of New York, and duly admitted to practice before this Court. I have personal knowledge of the facts set forth in this Declaration, which I respectfully submit in support of Petitioners’ Opposition to Respondent’s Motion to Dismiss.

3. Attached as Exhibit A is a true and correct copy of the Notice of Arbitration, dated October 14, 2016, and served on the Russian Federation on October 17, 2016, whereby Petitioners initiated the Arbitration.

4. Attached as Exhibit B is a true and correct copy of Procedural Order No. 8 issued on October 6, 2019, in the Arbitration, in which the arbitral tribunal (the “Tribunal”), among other things, denied the Russian Federation’s “request to reopen the hearing on jurisdictional objections” and determined it would “proceed directly to the quantum [damages] stage” of the Arbitration. Procedural Order No. 8, ¶ 4.1.3.

5. Attached as Exhibit C is a true and correct copy of Procedural Order No. 21 issued on December 5, 2022, in the Arbitration, in which the Tribunal rejected a further request by Russia for a re-hearing of its jurisdictional objections following the judgment of The Hague Court of Appeal of July 19, 2022.

6. Appeal proceedings against the judgment of The Hague Court of Appeal of July 19, 2022, concerning the Partial Award are ongoing. The Supreme Court of The Netherlands is expected to issue its judgment in June 2024.

7. On July 12, 2023, the Russian Federation applied to The Hague Court of Appeal to set aside the Final Award. Setting-aside proceedings are ongoing.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 12th day of April 2024, in New York, New York.

/s/ David Z. Pinsky
David Z. Pinsky