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July 28, 2023

VIA ECF

Angela D. Caesar
U.S. District Court for the District of Columbia
E. Barrett Prettyman U.S. Courthouse
333 Constitution Avenue, NW
Washington, DC 20001

Re: Request for Service of Process in *Joint Stock Company State Savings Bank of Ukraine v. The Russian Federation* (23-cv-00764)

Dear Ms. Caesar,

On behalf of Petitioner Joint Stock Company Savings Bank of Ukraine (“**Petitioner**” or “**Oschadbank**”), I am writing to request that all necessary steps be taken to effect service to Respondent the Russian Federation (“**Russia**”) pursuant to 28 U.S.C. § 1608(a)(4) because service cannot be made in the above-captioned matter under 28 U.S.C. §§ 1608(a)(1), (a)(2), or (a)(3).

This is an action brought to enforce a foreign arbitration award rendered on November 26, 2018 against Russia in an arbitration proceeding administered by the Permanent Court of Arbitration.

Under 28 U.S.C. § 1608(a)(1), no special arrangement for service exists between the Petitioner and Russia.

Under 28 U.S.C. § 1608(a)(2), service cannot be made pursuant to the applicable international convention on service of judicial documents. In 2003, Russia unilaterally suspended all judicial cooperation with the United States in civil and commercial matters. Russia also refuses to serve letters of request from the United States for service of process presented under the Hague Convention.¹

¹ See U.S. Department of State, Judicial Assistance Country Information, available at: <https://travel.state.gov/content/travel/en/legal/Judicial-Assistance-Country-Information/RussianFederation.html> (last accessed June 8, 2023).

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Under 28 U.S.C. § 1608(a)(3), service cannot be made because Russia has objected to service by mail via postal channels under Article 10 of the Hague Convention.²³

Because service is not possible under 28 U.S.C. §§ 1608(a)(1), 1608(a)(2), or 1608(a)(3), I request that the Clerk dispatch the alternative means of service provided for under 28 U.S.C. § 1608(a)(4). The Clerk of this Court has recently approved service on Russia to be effectuated pursuant to 28 U.S.C. §§ 1608(a)(4). *Stabil LLC et al. v Russian Federation*, 22-cv-00983 (TNM), Dkt. 11 (Certificate of Mailing).

Pursuant to 28 U.S.C. § 1608(a)(4), the Clerk of Court shall send “two copies of the summons and complaint and a notice of suit, together with a translation of each into the official language of the foreign state, by any form of mail requiring a signed receipt, to be addressed and dispatched” to the Secretary of State in Washington, D.C., to the attention of the Director of Special Consular Services.

In accordance with the applicable proceedings set out in Section IV of this Court’s Attorney Manual for Service of Process on a Foreign Defendant, I am filing this letter electronically and then will submit (1) one copy of this letter; (2) one copy of the Notice of Electronic Filing confirming the ECF filing of this letter; (3) two copies of the Petition to Confirm Arbitration Award with supporting declaration and exhibits, the Summons, and the Notice of Suit, and a translation of each into Russian, all in paper form to the Clerk’s Office.

As explained in the Court’s Attorney Manual, we understand that the Clerk’s Office will prepare the materials for service and notify us when they are ready. At that time, we will mail to the Clerk’s office at the same address above a cashier’s check made out to the U.S. Department of State for the amount of \$2,275, along with a waybill for the Clerk’s Office to use in mailing the documents.

Should you have any questions please feel free to reach out to me at the email address above and my colleague Yvonne Zhang at yvonnezhang@quinnemanuel.com or at (310)283-1088.

Respectfully submitted,

² The Hague Conference on Private International Law is an intergovernmental organization that administers the Hague Convention and records any reservations by States who are parties to the Russian Convention. It explains that “[s]ervice of documents by methods listed in Article 10 of the Convention is not permitted in the Russian Federation.” See Hague Conference on Private International Law, Russian Federation—Central Authority and Practical Information, available at: <https://www.hcch.net/en/states/authorities/details3/?aid=699>.

³ This Court’s Attorney Manual for Service of Process on Foreign Defendant explains: “[i]f a foreign state which is a party to the Hague Convention formally objected to service by mail when it acceded to the Convention, service under Section 1608(a)(3) should not be attempted. The plaintiff should proceed to service under Section 1608(a)(4).” *Id.* at 6, available at: <https://www.dcd.uscourts.gov/sites/dcd/files/AttyManualForeignMlg2021.pdf>.

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DATED: July 28, 2023

By: /s/ Debra O'Gorman

Debra O'Gorman,
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