

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

DEUTSCHE TELEKOM AG,

*Petitioner,*

v.

REPUBLIC OF INDIA,

*Respondent.*

Case No. 1:21-cv-01070-RJL

**THE REPUBLIC OF INDIA’S RESPONSE  
TO PETITIONER’S MOTION TO LIFT THE STAY**

Respondent Republic of India (“India”), by and through undersigned counsel, hereby files its Response to the Motion to Lift the Stay filed by Petitioner (“DT”) (ECF 38).

As the Court is aware, after the Parties submitted a Joint Status Report on the status of the Swiss revision proceedings (ECF 29), this Court ordered the Parties to submit supplemental briefing to “address pertinent legal developments since briefing on respondent’s motion to dismiss was completed” and “whether it makes sense to defer ruling on this case” until the D.C. Circuit’s resolution of appeals in *Blasket Renewable Investments, LLC v. Kingdom of Spain* (No. 23-7038) and two related cases (*NextEra Energy Global Holdings B.V. v. Kingdom of Spain* (No. 23-7031) and *9REN Holding S.À.R.L. v. Kingdom of Spain* (No. 23-7032)). Minute Order (May 24, 2023). India and DT submitted two rounds of supplemental responses, and that briefing concluded on June 28, 2023. *See* Petitioner’s Supplemental Briefs (ECF 32, 34); Respondent’s Supplemental Briefs (ECF 33, 35).

As India explained in its supplemental briefing, the Court should defer ruling on India’s motion to dismiss, at minimum, until the D.C. Circuit renders its decisions in *Blasket*, *NextEra*,

and *9REN*, because the D.C. Circuit in those cases is likely to decide several issues that may be dispositive to India’s pending motion. Indeed, in anticipation of the D.C. Circuit’s decision in *Blasket*, Judge Howell stayed the enforcement of an arbitral award in a similar case where three distinct “questions” of law—each of which is potentially “dispositive” in the *Watkins* case—overlap with Spain’s arguments now “pending before the D.C. Circuit.” Minute Order, *Watkins Holdings S.À.R.L. v. Kingdom of Spain*, No. 1:20-cv-01081 (D.D.C. June 9, 2023). As India has explained, the same is true in this case. *See* ECF 33, 35.

In fact, since the Parties’ submission of their supplemental briefs, at least two more arbitration award-enforcement cases before the D.C. District Court have been stayed in anticipation of the D.C. Circuit’s decisions in *Blasket*, *NextEra*, and *9REN*. *See* Minute Order, *Infrared Envt’l Infra. Gp Ltd. v. Kingdom of Spain*, No. 1:20-cv-00817 (D.D.C. July 12, 2013); Minute Order, *Baywa R.E. Ag v. Kingdom of Spain*, No. 1:22-cv-02403 (D.D.C. Aug. 24, 2023).

Moreover, nothing in the pending *Blasket*, *NextEra*, and *9REN* appeals suggests that the wait for a decision would be extraordinarily long. The briefing in those appeals has concluded, and the D.C. Circuit is expected to schedule an oral hearing in the coming weeks.

Accordingly, as stated above and for the reasons described in India’s supplemental briefing (ECF 33, 35), this Court should hold DT’s motion to lift the stay in abeyance and defer ruling on India’s motion to dismiss until the D.C. Circuit issues its decisions in *Blasket*, *NextEra*, and *9REN*.

Dated: November 13, 2023  
Washington, DC

Respectfully submitted,

**WHITE & CASE**

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