

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

_____	)	
DEUTSCHE TELEKOM AG,	)	
	)	
<i>Petitioner,</i>	)	
	)	
<i>v.</i>	)	Civil Action No. 1:21-cv-01070-RJL
	)	
REPUBLIC OF INDIA,	)	
	)	
<i>Respondent.</i>	)	
_____	)	

**JOINT STATUS REPORT**

Petitioner Deutsche Telekom AG (“Petitioner”) and Respondent Republic of India (“Respondent” or “India”) (together the “Parties”) respectfully submit this Joint Status Report in accordance with the Court’s Minute Order dated April 14, 2023 ordering “the parties to file a joint status report specifying each party’s position on how the action should now proceed.”

On July 25, 2022, the Court issued a first Minute Order staying these proceedings pending an action before the Swiss Federal Tribunal. Those Swiss proceedings were concluded on March 8, 2023, pursuant to the decision of the Swiss Federal Tribunal (ECF 28-1). On April 14, 2023, the Court issued a Minute Order that the Parties “file a joint status report by 4/28/2023 specifying each party’s position on how the action should now proceed.” The Parties agree that the Court should lift the stay and proceed to rule on Respondent’s pending Motion to Dismiss (ECF 11). However, the Parties disagree about what issues the Court must decide when it rules on the Respondent’s Motion to Dismiss and how the action should proceed once the Court issues its decision.

### **1. Petitioner's Position**

The only question the Court needs to decide to rule on India's Motion to Dismiss pursuant to Rule 12(b)(1) is whether India is immune from suit under the FSIA. The Court need not rule on any of the other defenses in the Motion to Dismiss, none of which implicate sovereign immunity and all of which can be deferred to the merits phase of this action. The Court should deny India's motion to dismiss and find India is not immune from this Court's jurisdiction in this action and proceed to the merits of the Petition in accordance with Rule Fed. R. Civ. P. 12(a)(4)(A).

### **2. Respondent's Position**

India does not contest that this Court may now lift the Stay of Proceedings put in place by the Minute Order of July 26, 2022. India also agrees that—following the forthcoming submission of its response to Petitioner's Notice of Foreign Judicial Decisions (ECF 28)—India's Motion to Dismiss (ECF 11) is ripe for decision. The issues raised in India's Motion to Dismiss are all threshold and jurisdictional issues, and should be considered at this time.

Any discussion at this time regarding the course of proceedings following a ruling on India's Motion—including Petitioner's reference to Federal Rule of Civil Procedure 12(a)(4)(A)—is premature. For all of the reasons stated in India's Motion to Dismiss (ECF 11) and Reply (ECF 17), the Court should grant the Motion and dismiss the Petition.

Dated: April 28, 2023  
Washington, DC

**HUGHES HUBBARD & REED LLP**

/s/  
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Respectfully submitted,

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