

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

A.D. TRADE Belgium S.P.R.L.,

Plaintiff,

v.

The Republic of Guinea,

Defendant.

Civil Action No. 1:22-cv-00245

DECLARATION OF JOSEF M. KLAZEN

Pursuant to 28 U.S.C. § 1746, I, Josef M. Klazen, hereby declare as follows:

1. I am a member of the Bar of this Court and am a partner with the law firm Kobre & Kim LLP. My law firm represents Plaintiff A.D. TRADE Belgium S.P.R.L. (“A.D. Trade”) in the above-captioned action. I am fully familiar with all the facts and circumstances in the above-captioned action.

2. I make this Declaration in support of A.D. Trade’s Motion for Default Judgment under Rule 55(a) of the Federal Rules of Civil Procedure, which requests that the Court enter a default judgment against Defendant Republic of Guinea (“Guinea”) because Guinea failed to oppose or otherwise response to A.D. Trade’s Complaint.

3. On January 31, 2022, A.D. Trade commenced this action by filing a Complaint that seeks to recover the amounts due to it under the Awards and the 2017 Judgment. ECF 1.

4. On February 18, 2022, the Clerk of the Court certified transmission of service packets pursuant to 28 U.S.C. § 1608(a)(3) containing, *inter alia*, the Summons, Complaint, and Notice of Suit, together with certified French translations of each, to four different addresses belonging to the head of the Ministry of Foreign Affairs for Guinea. ECF 11, 11-1. A complete

list of the documents in A.D. Trade's service packets is contained in the A.D. Trade's March 18, 2022 Return of Service. ECF 12.

5. On February 28, 2022, A.D. Trade effected service of one of the packets by FedEx waybill numbered 776046250245 on the head of the Ministry of Foreign Affairs for the Republic of Guinea, pursuant 28 U.S.C. § 1608(a)(3). ECF 12 at 3; *see also* ECF 12-1 (tracking information), 12-2 (delivery confirmations).

6. A.D. Trade also served three additional sets of these papers on the head of the Ministry of Foreign Affairs for the Republic of Guinea on March 10, 2022, by FedEx waybills numbered 776046163746, 776046341335, and 776046298320. ECF 12 at 2; *see also* ECF 12-1, 12-2.

7. A.D. Trade obtained the address for FedEx waybill 776046341335 from the U.S. Department of State, Embassy of the United States in Conakry, Guinea.

8. A.D. Trade obtained the other three addresses from *Compagnie Sahelienne d'Entreprise v. Republic of Guinea*, No. CV 20-1536 (TJK) (D.D.C.), in which another creditor served Guinea and the Court entered default judgment against Guinea.

9. Pursuant to 28 U.S.C. § 1608(d), and based on the February 28, 2022 delivery of the FedEx waybill numbered 776046250245, Guinea needed to "serve an answer or other responsive pleading to" A.D. Trade's Complaint on or before April 29, 2022. Guinea did not do so.

10. On May 10, 2022, A.D. Trade requested that the Clerk of the Court enter a default by Guinea pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, as Guinea has failed to answer or otherwise respond to A.D. Trade's Complaint within the 60 days from service as allowed by 28 U.S.C. § 1608(d). ECF 15.

11. On May 11, 2022, the Clerk of the Court entered a default by Guinea. ECF 16.

12. As of the date of this motion, Guinea has not paid A.D. Trade any amounts due under the Awards or the 2017 Judgment, has not served an answer or other responsive pleading to A.D. Trade's Complaint, and has not had counsel enter an appearance on its behalf in this action.

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

Dated: June 11, 2022
New York, NY

/s/ Josef M. Klazen
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