

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

JSC DTEK KRYMENERGO,

Petitioner,

v.

THE RUSSIAN FEDERATION,

Respondent.

Case No. 1:23-cv-03330-CJN

SECOND DECLARATION OF MARNEY L. CHEEK

Pursuant to 28 U.S.C. § 1746, I, Marney L. Cheek, hereby declare under penalty of perjury as follows:

1. I am a partner with the law firm Covington & Burling LLP, a member in good standing of the bar of this Court, and counsel for Petitioner JSC DTEK Krymenergo (“DTEK Krymenergo”) in the above-captioned action. I was counsel to Petitioner in the now-concluded underlying arbitration captioned *JSC DTEK Krymenergo v. the Russian Federation*, PCA Case No. 2018-41 (the “Arbitration”). I have personal knowledge of the facts set forth in this Declaration, and respectfully submit this Declaration in support of DTEK Krymenergo’s Opposition to the Russian Federation’s Motion to Dismiss.

2. Attached as Exhibit A is a true and correct copy of the Request for Arbitration, dated February 16, 2018, and served on the Russian Federation on February 22, 2018, whereby Petitioner DTEK Krymenergo initiated the Arbitration.

3. On February 1, 2024, the Russian Federation applied to The Hague Court of Appeal to set aside the Award. The set-aside proceeding is ongoing, and no decisions have been rendered by The Hague Court of Appeal. DTEK Krymenergo is summoned to appear before

The Hague court on October 1, 2024.

4. I declare and certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on July 16, 2024.



Marney L. Cheek (DC Bar No. 470596)

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