

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

VENEZUELA US SRL,

Petitioner,

v.

BOLIVARIAN REPUBLIC OF VENEZUELA,

Respondent.

Civil Action No. 1:22-cv-03822-JMC

**STATUS REPORT**

1. Petitioner Venezuela US SRL (“VUS”) files this Status Report pursuant to the Court’s March 15, 2023 Order, which directed VUS to file, on or before March 22, 2023, a status report updating the Court on the status of service in this case.

**SERVICE OF PROCESS**

2. VUS is still in the process of serving Respondent, the Bolivarian Republic of Venezuela (“Venezuela”).

3. VUS commenced this action on December 27, 2022, to recognize and enforce an arbitration award (the “Award”), dated November 4, 2022, rendered in VUS’s favor and against Venezuela. *See* Pet. to Recognize and Enforce a Foreign Arbitral Award, ECF No. 1. The Award arose out of an arbitration seated in The Hague, Netherlands, captioned *Venezuela US, S.R.L. v. The Bolivarian Republic of Venezuela*, PCA Case No. 2013-34.

4. Because Venezuela is a foreign state, VUS is required to effect service in the manner prescribed by the Foreign Sovereign Immunities Act (“FSIA”). *See* 28 U.S.C. § 1608(a); Fed. R. Civ. P. 4(j)(1). The FSIA provides four methods of service in descending order of

preference. The first method of service under the FSIA allows for delivery “in accordance with any special arrangement for service between the plaintiff and the foreign state . . . .” 28 U.S.C. § 1608(a)(1). As no “special arrangement for service” exists between VUS, on the one hand, and Venezuela, on the other, this method of service is unavailable.

5. The next prescribed method of service is “in accordance with an applicable international convention on service of judicial documents.” 28 U.S.C. § 1608(a)(2). VUS first attempted to effect service of process on Venezuela under the Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, Nov. 15, 1965, 20 U.S.T. 361 (the “Hague Service Convention”), to which the United States and Venezuela are both parties. VUS first translated all materials required to effect service under the Hague Service Convention into Spanish, and then sent the required documents and translations to Venezuela’s Central Authority by DHL on January 23, 2023. *See* Pet’r’s Mot. for Issuance of a Letter Rogatory for Service under the Inter-American Convention on Letters Rogatory and Additional Protocol (“Mot. for Issuance of a Letter Rogatory”), Ex. A (DHL Tracking Results), ECF No. 7-1. The package arrived in Venezuela on January 27, 2023. *See id.* at 2. DHL attempted to deliver the package on January 31, 2023, but Venezuela’s Central Authority refused to accept the package. *See id.* DHL attempted delivery for a second time on February 15, 2023, which Venezuela’s Central Authority also refused to accept. *See id.* at 1.

6. Given those refusals, VUS recently moved the Court to issue the letter rogatory that will allow VUS to attempt to serve process on Venezuela under the Inter-American Convention on Letters Rogatory, Jan. 30, 1975, O.A.S.T.S. No. B-36 (the “Convention”) and the Additional Protocol to the Inter-American Convention on Letters Rogatory, May 8, 1979, O.A.S.T.S. No. B-46 (the “Additional Protocol” and, together with the Convention, the “IACAP”). *See* Mot. for

Issuance of a Letter Rogatory, ECF No. 7. Should Venezuela's Central Authority refuse to accept delivery, or otherwise fail to effect service in accordance with the IACAP, VUS will initiate service of process on Venezuela through diplomatic channels pursuant to 28 U.S.C. § 1608(a)(4).<sup>1</sup>

**VENEZUELA'S SET-ASIDE APPLICATION**

7. When VUS commenced this action in December 2022, Venezuela had not responded to the Award. On February 3, 2023, Venezuela filed to set aside the Award in the Netherlands. VUS has attached for the Court's information the English version of the amended writ of summons that was sent to VUS. *See* Ex. A (Amended Writ of Summons). VUS intends to oppose Venezuela's attempt to set aside the Award in the Netherlands.

Dated: New York, New York  
March 21, 2023

Respectfully submitted,

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<sup>1</sup> As noted in VUS's motion requesting the issuance of a letter rogatory, service on Venezuela by mail pursuant to 28 U.S.C. § 1608(a)(3) is not available. *See* Mot. for Issuance of a Letter Rogatory at 4 n.2.