

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

<hr/>)	
GRETTON LIMITED,)	
)	
	<i>Petitioner,</i>)	
)	
v.)	Civil Action No. 1:18-cv-01755-JEB
)	
THE REPUBLIC OF UZBEKISTAN,)	
)	
	<i>Respondent.</i>)	
<hr/>)	

NOTICE OF APPEAL

Notice is hereby given that the specially-appearing Republic of Uzbekistan (“Uzbekistan”), Respondent in the above-named action, appeals to the United States Court of Appeals for the District of Columbia Circuit from this Court’s July 30, 2019 Order and Memorandum Opinion (ECF Nos. 34 and 35) denying in part Uzbekistan’s motion to dismiss Petitioner’s petition on the grounds of foreign sovereign immunity.

Because the “denial of a motion to dismiss on the ground of sovereign immunity satisfies all three criteria” of the collateral order doctrine, such a ruling is “subject to interlocutory review.” *Kilburn v. Socialist People’s Libyan Arab Jamahiriya*, 376 F.3d 1123, 1126 (D.C. Cir. 2004) (exercising appellate jurisdiction over Libya’s interlocutory appeal from denial of Rule 12(b)(1) motion to dismiss on sovereign immunity grounds) (citing *Price v. Socialist People’s Libyan Arab Jamahiriya*, 294 F.3d 82, 92 (D.C. Cir. 2002); *Jungquist v. Sheikh Sultan Bin Khalifa Al Nahyan*, 115 F.3d 1020, 1025-26 (D.C. Cir. 1997); and *Foremost-McKesson, Inc. v. Islamic Republic of Iran*, 905 F.2d 438, 443 (D.C. Cir. 1990)).

An appeal of an order denying a motion to dismiss on sovereign immunity grounds divests the district court of jurisdiction to proceed until the appeal is resolved. *See Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982) (per curiam) (“The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.”); *Princz v. Fed. Republic of Germany*, 998 F.2d 1 (D.C. Cir. 1993) (finding that defendant-appellant’s emergency motion for stay of all proceedings in the district court was unnecessary, because appeal of denial of sovereign immunity provided the court of appeals with “exclusive jurisdiction” over the case).

Uzbekistan submits this Notice of Appeal within 30 days of the Court’s ruling on foreign sovereign immunity and subject-matter jurisdiction, in compliance with Federal Rule of Appellate Procedure 4(a), notwithstanding the fact that the Court has not resolved whether Uzbekistan has been served with process in this case and Gretton has refused to re-serve Uzbekistan under 28 U.S.C. § 1608(a)(3) prior to the filing of this Notice. Uzbekistan reserves all rights to contest Gretton’s failure to serve process if during the pendency of the appeal Gretton fails to effect proper service. In filing this Notice, Uzbekistan does not waive any defenses or immunities, including with respect to service of process.

Date: August 29, 2019

Respectfully submitted,

WHITE & CASE^{LLP}

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of August, 2019, I caused a true and correct copy of the foregoing Notice of Appeal to be filed electronically with the United States District Court for the District of Columbia. I also certify that I caused the foregoing to be served via first-class mail, postage prepaid, upon the following:

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