

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF COLUMBIA

JOHN GREGORY LAMBROS,

\*

Case No. 19-CV-1929 (TSC)

Plaintiff,

Removed from: Superior Court of  
Of the District of Columbia, Case  
No. 2017-CA-000929-B. JUDGE:  
Florence Y. Pan.

\*

Vs.

\*

FEDERATIVE REPUBLIC OF BRAZIL,  
et al.

\*

AFFIDAVIT FORM

\*

Defendant.

\*

Sent via: United Parcel Service

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MOTION TO ALTER OR AMEND JUDGMENT UNDER FEDERAL  
RULES OF CIVIL PROCEDURE RULE 59(e)

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1. COMES NOW, Plaintiff - Movant JOHN GREGORY LAMBROS, (Hereinafter "MOVANT"), Pro Se, and requests this Court to construe this filing liberally. See, HAINES vs. KERNER, 404 U.S. 519, 520-21 (1972), and **not limit the jurisdictional statutes identified in this complaint.**
  
2. Federal Rules of Civil Procedure **RULE 59(e)** allows this filing within twenty-eight (28) days of entry of this Courts "MEMORANDUM OPINION" and "ORDER" filed on May 06, 2021.
  
3. PLAINTIFF LAMBROS REQUEST COURT TO VACATE ITS MAY 06, 2021 "MEMORANDUM OPINION" AND "ORDER" TO "GRANT DEFENDANTS' MOTION TO DISMISS THIS ACTION FOR WANT OF JURISDICTION".

## **FACTS:**

4. February 10, 2017: Plaintiff filed the instant civil suit in the Superior Court of the District of Columbia. The Honorable Judge Wertheim ORDERED that Plaintiff may proceed in Forma Pauperis.

5. June 27, 2017: The Honorable Judge F. Pan issued an "ORDER" stating that she signed all necessary material to effectuate service under applicable international law, including the Inter-American Convention on Letters Rogatory and the Additional Protocol to the Inter-American Convention on Letters Rogatory and "ORDERED" the Clerk to affix the seal of the Court and mail the forms to Plaintiff Lambros and Crowe Foreign Service, the agent for service of process, acting in Plaintiff's behalf. Both Plaintiff and Crowe Foreign Service received the mailing.

6. August 18, 2017, the documents in this case, with signed Inter-American Convention forms and Portuguese translations of all, were forwarded to the U.S. Central Authority for final transmission to the Central Authority for Brazil, to be served upon the **Federative Republic of Brazil** and the **State of Rio de Janeiro of the Federative Republic of Brazil** in accordance with the Inter-American Convention and the laws of Brazil. See, **EXHIBIT A.** (November 5, 2018, Letter from Celeste Ingalls, Director of Operations, Crowe Foreign Services to the Honorable Florence Y. Pan, Superior Court of the District of Columbia, Civil Division)

7. September 13, 2017: Defendants received a copy of Plaintiff's complaint in this action, according to the current Brazilian court docket sheets that are attached. Two (2) docket sheets are attached, one verifying process on the State of Rio de Janeiro - **Letter Rogatory 12537** and one verifying process on the Federal Government of Brazil - **Letter Rogatory 12540**. See, **EXHIBIT A.** (November 5, 2018, Letter from Celeste Ingalls, Director of Operations, Crowe Foreign Services to the Honorable Florence Y. Pan, Superior Court of the District of Columbia, Civil Division)

8. April 8, 2019: “**ORDER**” by Judge Pan stating “Defendants have not filed a responsive pleading to the complaint nor have they filed an opposition to the instant motion. **The Court therefore enters a default against defendants.** See D.C. Super. Ct. R. 55(a).” See, **EXHIBIT B**.

9. May 15, 2019: “**ORDER**” by Judge Pan stating “the status hearing scheduled for July 5, 2019, is converted to an ex parte proof hearing.” See, **EXHIBIT C**.

10. June 27, 2019: Defendant made their first appearance in this action and filed a “Notice of Removal” in this action within the Superior Court of the District of Columbia, Civil Division.

11. June 27, 2019: Defendant’s file **CIVIL COVER SHEET** at the Clerk’s office of the United States District Court for the District of Columbia in this action. Attorney Clara B. Brillembourg, FOLEY HOAG LLP filed the **Civil Cover Sheet** in this action - Document 1-1, two pages in length, which offered the following information:

- A. Case No. 1:19-cv-01929.
- B. Plaintiff: John Gregory Lambros
- C. Defendants: Federative Republic of Brazil; and State of Rio de Janeiro.
- D. REQUESTED IN COMPLAINT: DEMAND \$301,700,000,000.00 (Three

Hundred One Billion, Seven-Hundred Million Dollars.)

See, **EXHIBIT D**.

12. MAY 06, 2021: U.S. District Court Judge Tanya S. Chutkan issued a “MEMORANDUM OPINION” AND “ORDER” TO “GRANT DEFENDANTS’ MOTION TO DISMISS THIS ACTION FOR WANT OF JURISDICTION”. Judge Chutkan stated, “Defendants argue that Plaintiff has not met his burden of establishing jurisdiction under the Foreign Sovereign Immunities Act (FSIA). Mem. at 17-27. The court agrees.”

**ISSUE ONE: (1)**

**WHETHER THIS COURT HAD JURISDICTION AND/OR PLAINTIFF LAMBROS WAS PREJUDICED WHEN DEFENDANTS FILED NOTICE OF REMOVAL SIX HUNDRED AND TWENTY THREE (623) DAYS TOO LATE TO THIS COURT - TO SET ASIDE THE HONORABLE JUDGE FLORENCE YU PAN'S - SUPERIOR COURT OF THE DISTRICT OF COLUMBIA - ORDER OF DEFAULT AND OPPORTUNITY FOR PLAINTIFF TO ATTEND AN EX PARTE PROOF HEARING ON JULY 5, 2019. See, 28 U.S.C. 1446(b) (30-DAY TIME LIMIT)**

**\$64,000.00 QUESTION:** Can Defendants turn the clock back in time and start over again by removing this action to Federal Court when this court did not have JURISDICTION and/or Plaintiff was PREJUDICED? See, 28 U.S.C. 1446(b) (30-DAY TIME LIMIT)

13. Defendants received a copy of Plaintiff Lambros' complaint on **September 13, 2017**. See, Paragraph 7 above - EXHIBIT A. (Brazilian court docket sheets that are attached. Two (2) docket sheets are attached, one verifying process on the State of Rio de Janeiro - **Letter Rogatory 12537** and one verifying process on the Federal Government of Brazil - **Letter Rogatory 12540**.)

14. **28 U.S.C. 1446(b)**: Courts have discretion over whether to allow removal from State to Federal Court **AFTER THE 30-DAY TIME LIMIT FOR REQUESTS SET FORTH IN 28 U.S.C. 1446(b)**. **Defendants filed Notice of Removal 623 days too late.**

15. Defendants were served on September 13, 2017 and requested removal to this Court on June 27, 2019. See, Paragraphs 10 and 11 above. **Result: 653 days**  
**It is 653 days from the start date to the end date, end date included. Or 1 year, 9 months, 15 days including the end date. Or 21 months, 15 days including the end date.**

16. Factors this Court did not consider in this regard, applying a simple “cause shown” standard, include:

- a. The danger of PREJUDICE to the nonmoving party; **(Plaintiff was prejudiced)**
- b. The length of a delay and its potential impact on the court; **(623 day delay)**
- c. The reason for a delay; **(Defendants offered no reason for delay)**
- d. Whether the movant acted in good faith; **(Defendants did not act in good faith)**
- e. The purpose of the removal; and **(Defendants did not offer reason - WHY?)**
- f. The extent of concurrent proceedings in State court.

The Defendants nor this Court ever addressed any of the above standards in this action  
- **WHY?**

17. Judge Pan entered default against defendants, as per D.C. Super. Ct. Civ. Rule 55(a) (“When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, the clerk or **the court MUST ENTER THE PARTY’S DEFAULT.**”)

18. It is Plaintiff Lambros’ belief that Judge Pan followed every legal obligation entitled to defendants by reviewing documents and holding hearings made in court to find defendants were properly served. See, **EXHIBIT B**. Plaintiff reviewed **Judge Pan’s Wikipedia page** as to her extensive legal career for a Judge in the U.S. District Court in New York, U.S. Court of Appeals for the Second Circuit and several different high positions within the U.S. Department of Justice. **See, EXHIBIT E.**

19. Judge Pan went to great length to make sure Defendants were served, as “failure of service is a jurisdictional defect”. See, Koerner vs U.S., 246 F.R.D. 45, 47-48 (D.D.C. 2007). Therefore, this Court prejudiced Plaintiff by allowing Defendants to remove this action from State to Federal Court **AFTER THE 30-DAY TIME LIMIT FOR REQUESTS SET FORTH IN 28 U.S.C. 1446(b)**.

20. Plaintiff offers this Court additional information that is not on point with the above argument but assists in the development of past case law regarding the legal standards for “VACATING ENTRY OF DEFAULT”. See, Darby v. McDonald, Civil Action No. 14-1032 (RC), U.S. District Court for the District of Columbia, Decided: November 19, 2014.

#### **A. Vacating Entry of Default**

The Superior Court’s entry of default in this case is treated as if it had been entered in a federal proceeding. See Butner v. Neustadter, 324 F.2d 783, 785–86 (9th Cir. 1963). This Court has previously held that “[t]o set aside the **removed entry of default**, the [district court] applies the same test used for defaults in federal courts.” Potomac Elec. Power Co. v. China Const. Am. Inc., No. 09-111, 2009 WL 3163058, at \*1 (D.D.C. Sept. 29, 2009) (citing Butner, 324 F.2d at 785–86). Under the Federal Rules of Civil Procedure, a district court can at its discretion vacate an entry of default pursuant to Rule 55(c) for “good cause shown[;]” the standard is more lenient than the standard for vacating a default judgment under Rule 60(b). Void-El v. O’Brien, 811 F. Supp. 2d 255, 259 (D.D.C. 2011); Potomac Elec. Power Co., 2009 WL 3163058, at \*1 (citing Jackson v. Beech, 636 F.2d 831, 835 (D.C.Cir.1980)). Generally, default is disfavored because courts have a “preference for resolving disputes on their merits.” See Bennett v. United States, 462 F. Supp. 2d 35, 38 (D.D.C.2006). In deciding whether to set aside an entry of default, the court should consider “(1) whether the default was willful, (2) whether a set-aside would prejudice the plaintiff, and (3) whether the alleged defense is meritorious.” Void-El v. O’Brien, 811 F. Supp. 2d 255, 259 (D.D.C. 2011) (citing Keegel v. Key West & Caribbean Trading Co., Inc., 627 F.2d 372, 373 (D.C.Cir.1980)).

21. Defendants could have very easily submitted an appearance before Judge Pan in the Superior Court, submitted all motions they wanted before final judgment. Judge Pan would've considered the motions - much the same as this court did - and would have ruled on the same before final judgment is entered - judges throughout the land change their minds every day, without appellate consequences.

**CONCLUSION FOR ISSUE ONE (1):**

22. Plaintiff was prejudiced when this court **did not** return this action to the Superior Court Of the District of Columbia, Case No. 2017-CA-000929-B. JUDGE: Florence Y. Pan.

23. Plaintiff requests this court to vacate all ORDERS in this action and return this action to the Superior Court Of the District of Columbia, Case No. 2017-CA-000929-B. JUDGE: Florence Y. Pan.

**ISSUE TWO: (2)**

**WHETHER PLAINTIFF LAMBROS HAS ESTABLISHED  
JURISDICTION UNDER THE FOREIGN SOVEREIGN IMMUNITIES ACT  
(FSIA).**

24. This court stated within Memorandum opinion on May 6, 2021, "The FSIA "holds foreign states and their instrumentalities immune from the jurisdiction of federal and state courts," save exceptions set out in the Act, Opati v. Republic of Sudan, 140 S. Ct.

1601, 1605 (2020), or where “an [existing] international agreement” to which the United States was a party at the time of the FSIA’s enactment in 1976 provides otherwise, *Peterson v. Royal Kingdom of Saudi Arabia*, 416 F.3d 83, 86 (D.C. Cir. 2005) (citations omitted).”

25. This court further stated:

Plaintiff relies on Article XII of the Brazil/United States Treaty of Peace, Friendship, Commerce and Navigation, Dec. 12, 1828, 8 Stat. 390, T.S. 34, 5 Bevans 792 (“Amity Treaty”), available at [http://avalon.law.yale.edu/19th\\_century/brazil01.asp](http://avalon.law.yale.edu/19th_century/brazil01.asp)., see Opp’n at 15 ¶¶ 40, ECF No. 34, and Article XI of the Treaty of Extradition between the United States and Brazil, Jan. 13, 1961, 15 U.S.T. 2093, T.I.A.S. 5691, 532 U.N.T.S. 177, see Compl. ¶¶ 22, 26.

#### **Article XII of the Amity Treaty states:**

Both the contracting parties promise and engage formally to give their special protection to the persons and property of the citizens and subjects of each other, of all occupations, who may be in their territories, **subject to the jurisdiction of the one or the other**, transient or dwelling therein, **leaving open and free to them the tribunals of justice for their judicial intercourse, on the same terms which are usual and customary with the natives or citizens and subjects of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents and factors, as they may judge proper in all their trials at law.** (Emphases added.) (Emphasis added by Plaintiff)

#### **Article XI of the Extradition Treaty states:**



The determination that extradition based upon the request therefore should or should not be granted shall be made in accordance with the domestic law of the requested State, **and the person whose extradition is desired shall have the right to use such remedies and resources as are authorized by such law.**

Neither provision mentions immunity, and **“treaties do not generally create rights that are privately enforceable in the federal courts.”** *United States v. Li*, 206 F.3d 56, 60–61 (1st Cir. 2000) (citing *Head Money Cases*, 112 U.S. 580, 598 (1884) (other citations omitted)). In *Argentine Republic*, the Supreme Court examined similar reciprocity language in an amity treaty between the United States and Liberia providing that nationals of each country “shall enjoy freedom of access to the courts of justice of the other on conforming to the local laws.” 488 U.S. at 443. The Court explained that because the FSIA “is clearly one of the ‘local laws’ to which respondents must ‘conform’ before bringing suit in United States courts,” no exception under the Act applied. *Id.* Plaintiff has asserted nothing to compel a different result here.

## **DEFENDANTS WAIVED DEFENSE OF JURISDICTION IMMUNITY**

### **Please Note:**

**Plaintiff Lambros was extradited to the Federal District Court in Minnesota - within the Eighth Circuit of Appeal. Plaintiff has STANDING TO ASSERT BREACHES OF THE SPECIALTY DOCTRINE.**

**See, *Leighnor v. Turner*, 884 F. 2d 385, 388 - Court of Appeals, 8th Circuit 1989, “We now turn to the government’s assertion that Leighnor lacks standing to challenge a violation of the rule of specialty. There exists disagreement among the circuits on the question of individuals’ standing to assert breaches of the specialty principle.<sup>[4]</sup> **This court addressed the issue in *United States v. Thirion*, 813 F.2d 146 (8th Cir.1987), and rejected as “without merit” the argument that an extradited individual lacks standing to challenge a violation of an extradition treaty. *Id.* at 151 n. 5 (citation omitted). The panel in *Thirion* held that an extradited individual “may raise whatever objections to his prosecution that [the surrendering country] might have.” *Id.* at 151. We are bound to follow *Thirion* on this point and thus reject the government’s claim that Leighnor lacks standing to assert a violation of the specialty principle. We note, however, that in light of the genuine debate surrounding this important issue it is one which arguably merits consideration by this court sitting *en banc*.”****

26. Treaty of Extraditions are **SELF-EXECUTING**. "Extradition treaties by their nature are **DEEMED SELF-EXECUTING...**" See, United States of America vs. Rafael CARO-QUINTERO, et al, 745 F.Supp. 599, 607 (C.D. Calif. 1990). The following quotes from the case will assist this court:

## **B. Invoking an Extradition Treaty in U.S. Courts**

### **1. self-executing vs. executory treaties**

Treaties are the "Supreme Law of the Land." U.S. Const. art. VI, cl. 2. However, the American legal system recognizes a distinction between "self-executing" treaties and "executory" treaties. A self-executing treaty is federal law which must be enforced in federal court unless superseded by other federal law. A self-executing treaty is enforceable without resort to implementing legislation by Congress. On the other hand, an executory treaty is not enforceable until Congress has enacted implementing legislation. Absent such legislation, an infraction of an executory treaty "becomes the subject of international negotiations and reclamations, so far as the injured party chooses to seek redress...." [\*Head Money Cases\*, 112 U.S. 580, 598-99, 5 S.Ct. 247, 253-54, 28 L.Ed. 798 \(1884\)](#). An executory treaty is not enforceable in American courts. See *generally*, Restatement (Third) of the Foreign Relations Law

607

\*607 of the United States § 111 (1987) ("Restatement").

**Extradition treaties by their nature are deemed self-executing and thus are enforceable without the aid of implementing legislation. 1 M. Bassiouni, *International Extradition: United States Law & Practice*, Ch. 2, § 4.1, pp. 71-72, § 4.2, p. 74 (2d ed. 1987) ("Bassiouni").<sup>[11]</sup>**

## 2. Standing

Whether a treaty is self-executing is a question distinct from whether a party has standing to enforce its terms. Restatement § 111, comments g, h. **Thus a second question arises.**

**Who may raise a violation of the treaty — the extradited person, the offended sovereign, or both?**

## C. Remedy

Under international law, a state that has violated an international obligation to another state is required to terminate the violation and make reparation to the offended state.

Restatement § 901. "[T]he reparation must, as far as possible, wipe out all the consequences of the illegal act and reestablish the situation which would, in all probability, have existed if that act had not been committed." Restatement § 901 R.N. 3.

**Note: The remedy in this present case is to allow Plaintiff to move forward in this action as he has subject-matter jurisdiction . DEFENDANTS HAVE WAIVED THE DEFENSE OF JURISDICTION IMMUNITY.**

## IV. Supervisory Power

**Finally, Dr. Machain seeks dismissal of the indictment under the Court's supervisory power.**

**A court must not allow itself to be made an "accomplice[] in willful disobedience of law." *McNabb v. United States*, 318 U.S. 332, 345, 63 S.Ct. 608, 615, 87 L.Ed. 819 (1943). Guided by considerations of justice, a court may exercise it's supervisory**

power as necessary to preserve judicial integrity and deter illegal conduct. *United States v. Hastings*, 461 U.S. 499, 505, 103 S.Ct. 1974, 1978, 76 L.Ed.2d 96 (1983). This Court takes note that Dr. Machain is but one of three defendants named in this indictment, or in preceding indictments in this case, to be brought before this Court by forcible abduction from his homeland.

Today, this Court need not rest its decision upon its supervisory power, and does not do so. However, the Court admonishes the DEA to heed Judge Oakes' warning made fifteen years ago, which this Court now adopts: "[W]e can reach a time when in the interest of establishing and maintaining civilized standards of procedure and evidence, we may wish to bar jurisdiction in an abduction case as a matter not of constitutional law but in the exercise of our supervisory power.... To my mind the Government in its laudable interest of stopping the international drug traffic is by these repeated abductions inviting exercise of that supervisory power in the interest of the greater good of preserving respect for the law." *United States v. Lira*, 515 F.2d 68, 73 (2d Cir.), cert. denied, 423 U.S. 847, 96 S.Ct. 87, 46 L.Ed.2d 69 (1975) (Oakes, J., concurring).

27. Brazil has **WAIVED** its sovereign immunity when it signed the Extradition Treaty with the US. Proof of same is offered within: *Lois FROLOVA vs. UNION OF SOVIET SOCIALIST REPUBLICS*, 761 F.2d 370, 376-377 (7th Cir. 1985), FootNote 9:

"In Part II of this opinion, we discussed the international agreement exception found in 28 U.S.C. Sec. 1604. In the context of waiver of immunity by treaty, sections 1605(a)(1) and 1604 obviously overlap to some extent. If an international agreement is **SELF-EXECUTING** and may therefore be the basis of an action under Sec. 1604--that is, if it creates rights enforceable by **PRIVATE litigants**--then, in addition, it almost

certainly **WAIVES sovereign immunity** under Sec. 1605(a)(1), thus **PROVIDING a dual basis for DISTRICT COURT jurisdiction**. For purposes of this opinion, however, we need not define the interrelationship between the two sections because it is clear that neither the United Nations Charter nor the Helsinki Accords implicitly waives the Soviet Union's immunity from suit" (emphasis added)

**THE ABOVE IS COPY OF FOOTNOTE 9, from FROLOVA.**

**CONCLUSION FOR ISSUE TWO (2):**

28. Plaintiff Lambros has established jurisdiction under the Foreign Sovereign Immunities Act (FSIA) and requests this Court to **return this action** to the Superior Court Of the District of Columbia, Case No. 2017-CA-000929-B. JUDGE: Florence Y. Pan, due to Issue One (1) within this motion. See, Conclusion for Issue One (1), paragraphs 22 and 23.

29. Plaintiff Lambros requests this Court to vacate the May 6, 2012 "ORDER" and "MEMORANDUM OPINION".

30. I JOHN GREGORY LAMBROS states the above information is true and correct under the penalty of perjury, as per Title 28 USC 1746.

EXECUTED ON: May 25, 2021

---

John Gregory Lambros, Pro Se

[www.Lambros.Name](http://www.Lambros.Name)

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Fax: (503) 352-1091

November 5, 2018

## SENT VIA US MAIL

Honorable Florence Y. Pan  
Superior Court of the District of Columbia, Civil Division  
500 Indiana Avenue, N.W.  
Washington, DC 20001

RE: JOHN GREGORY LAMBROS Vs. FEDERATIVE REPUBLIC OF BRAZIL, et. al.  
Superior Court of D.C. Case No. 2017-CA-929-B

Dear Judge Pan:

At the request of John Gregory Lambros, I have outlined below the process followed, procedures performed to date, and current status of the services requested upon the Federative Republic of Brazil and the State of Rio de Janeiro in Brazil in accordance with the Inter-American Convention:

1. All documents to be served in the above case are required to comply with the Foreign Sovereign Immunities Act, which in Brazil means service in accordance with the Inter-American Convention.
2. On August 18, 2017, all documents in the above case, with the requisite Inter-American Convention documents and Portuguese translations of all, were forwarded to the designated Brazil Ministry of Justice (Central Authority for Brazil) for service upon the Federative Republic of Brazil and the State of Rio de Janeiro in accordance with the Inter-American Convention.
3. UPS International has confirmed that the above documents were received by the Ministry of Justice in Brasilia, Brazil on October 6, 2017.
4. According to the current Brazilian court docket (obtained from the Brazilian court today, November 8, 2018), it *appears* as though all Brazilian court processes have been completed (attached is a copy of the Brazilian court docket reports for each service). We are now simply waiting for the Brazilian court to return the proof paperwork. This is returned in the form of a bound "book", containing dozens of pages of what occurred within the Brazilian court process. Unfortunately, this will be in Portuguese and we have no way of knowing exactly when it will be returned.

Please feel free to contact me directly regarding any questions you have in this matter.

Very truly yours,



Celeste Ingalls  
Director of Operations  
Crowe Foreign Services

**EXHIBIT - A**

CR nº 12540 / US (2017/0236054-6) autuado em 13/09/2017

**Detalhes**

PROCESSO: CARTA ROGATÓRIA

JUSROGANTE: TRIBUNAL DISTRITAL DO DISTRITO DE COLUMBIA

INTERES.: MINISTÉRIO DA JUSTIÇA DO BRASIL

PARTE: JOHN GREGORY LAMBROS

A.CENTRAL: MINISTÉRIO DA JUSTIÇA E SEGURANÇA PÚBLICA

LOCALIZAÇÃO: Saída para MINISTÉRIO DA JUSTIÇA em 24/09/2018

TIPO: Processo eletrônico.

AUTUAÇÃO: 13/09/2017

NÚMERO ÚNICO: 0236054-31.2017.3.00.0000

RELATOR(A): Min. PRESIDENTE DO STJ

RAMO DO DIREITO: DIREITO PROCESSUAL CIVIL E DO TRABALHO

ASSUNTO(S): Objetos de cartas precatórias/de ordem, Diligências.

TRIBUNAL DE ORIGEM: SUPERIOR TRIBUNAL DE JUSTIÇA

NÚMEROS

ORIGEM: 08099013360201798, 201704034, 75152017, 8099013360201798

1 volume, nenhum apenso.

ÚLTIMA FASE: 24/09/2018 (15:21) REMETIDOS OS AUTOS (PARA DEVOLUÇÃO À JUSTIÇA ROGANTE) PARA MINISTÉRIO DA JUSTIÇA

**Fases**

24/09/2018 15:21 Remetidos os Autos (para devolução à justiça rogante) para MINISTÉRIO DA JUSTIÇA (123)

24/09/2018 10:25 Transitado em Juízo em 24/09/2018 (848)

10/09/2018 02:48 ADVOCACIA-GERAL DA UNIÃO intimado eletronicamente da(o) Despacho / Decisão em 10/09/2018 (300104)

31/08/2018 11:47 Juntada de Petição de CieMPF - CIÊNCIA PELO MPF nº 487907/2018 (Juntada Automática) (85)

31/08/2018 11:47 Protocolizada Petição 487907/2018 (CieMPF - CIÊNCIA PELO MPF) em 31/08/2018 (118)

31/08/2018 11:35 MINISTÉRIO PÚBLICO FEDERAL intimado eletronicamente da(o) Despacho / Decisão em 31/08/2018 (300104)

30/08/2018 06:16 Disponibilizada intimação eletrônica (Decisões e Vistas) ao(à) MINISTÉRIO PÚBLICO FEDERAL (300105)

30/08/2018 06:15 Disponibilizada intimação eletrônica (Decisões e Vistas) ao(à) ADVOCACIA-GERAL DA UNIÃO (300105)

30/08/2018 05:34 Publicado DESPACHO / DECISÃO em 30/08/2018 (92)

29/08/2018 19:12 Disponibilizado no DJ Eletrônico - DESPACHO / DECISÃO (1061)

29/08/2018 09:08 Não Concedido o Exequatur (Publicação prevista para 30/08/2018) (12034)

28/08/2018 17:21 Recebidos os autos no(a) COORDENADORIA DA CORTE ESPECIAL (132)

16/04/2018 11:50 Conclusos para julgamento ao(à) Ministro(a) PRESIDENTE DO STJ (Presidente) (51)

**EXHIBIT A.**

2/2

13/04/201818:37 Juntada de Petição de ParMPF - PARECER DO MPF nº 193380/2018 (Juntada Automática)(85)  
13/04/201818:36 Protocolizada Petição 193380/2018 (ParMPF - PARECER DO MPF) em 13/04/2018 (118)  
06/10/201720:34 Disponibilizada cópia digital dos autos à(o) MINISTÉRIO PÚBLICO FEDERAL (300101)  
06/10/201717:07 Autos com vista ao Ministério Público Federal (30015)  
06/10/201708:26 Juntada de Petição de IMPUGNAÇÃO nº 520916/2017 (85)  
05/10/201719:15 Protocolizada Petição 520916/2017 (IMP - IMPUGNAÇÃO) em 05/10/2017 (118)  
22/09/201710:01 Juntada de Mandado de Intimação nº 000128/2017-CESP (581)  
19/09/201716:52 Recebidos os autos no(a) COORDENADORIA DA CORTE ESPECIAL (132)  
15/09/201714:05 Conclusos para decisão ao(à) Ministro(a) LAURITA VAZ (Presidente) - pela SJD (51)  
14/09/201717:30 Distribuído por competência exclusiva à Ministra PRESIDENTE DO STJ (26)  
14/09/201709:40 Remetidos os Autos (fisicamente) para SEÇÃO DE EXPEDIÇÃO (123)  
14/09/201706:25 Processo digitalizado e validado (30080)

EXHIBIT A.



CR nº 12537 / US (2017/0236039-3) autuado em 13/09/2017

26/09/201815:24 Remetidos os Autos (para devolução à justiça rogante) para **MINISTÉRIO DA JUSTIÇA** (123)

25/09/201806:53 Transitado em Julgado em 24/09/2018 (848)

24/09/201814:00 Desentranhamento de Certidão de Decurso nº 1313 VI 1 (30013)

24/09/201807:05 Decorrido prazo de **JOHN GREGORY LAMBROS** em 24/09/2018 para recurso (1051)

10/09/201802:48 **ADVOCACIA-GERAL DA UNIÃO** intimado eletronicamente da(o) Despacho / Decisão em 10/09/2018 (300104)

04/09/201813:20 Mandado devolvido entregue ao destinatário **ESTADO DO RIO DE JANEIRO** (Mandado nº 000118-2018-CORDCE) (106)

04/09/201813:20 Arquivamento de documento Mandado de Intimação das publicações nº 000118-2018-CORDCE (Decisões e Vistas) com ciência (30019)

31/08/201811:47 Juntada de Petição de CieMPF - **CIÊNCIA PELO MPF nº 487908/2018** (Juntada Automática) (85)

31/08/201811:47 Protocolizada Petição 487908/2018 (CieMPF - **CIÊNCIA PELO MPF**) em 31/08/2018 (118)

31/08/201811:35 **MINISTÉRIO PÚBLICO FEDERAL** intimado eletronicamente da(o) Despacho / Decisão em 31/08/2018 (300104)

30/08/201806:16 Disponibilizada intimação eletrônica (Decisões e Vistas) ao(à) **MINISTÉRIO PÚBLICO FEDERAL** (300105)

30/08/201806:15 Disponibilizada intimação eletrônica (Decisões e Vistas) ao(à) **ADVOCACIA-GERAL DA UNIÃO** (300105)

30/08/201805:34 Publicado **DESPACHO / DECISÃO** em 30/08/2018 (92)

29/08/201819:12 Disponibilizado no DJ Eletrônico - **DESPACHO / DECISÃO** (1061)

29/08/201808:17 Negado seguimento ao pedido de **TRIBUNAL DISTRICTAL DO DISTRITO DE COLUMBIA** (negado exequatur) (Publicação prevista para 30/08/2018) (30098)

28/08/201817:21 Recebidos os autos no(a) **COORDENADORIA DA CORTE ESPECIAL**(132)

23/04/201816:20 Conclusos para julgamento ao(à) Ministro(a) **PRESIDENTE DO STJ** (Relatora) (51)

23/04/201815:46 Juntada de Petição de nº 204511/2018 (85)

20/04/201819:00 Recebidos os autos no(a) **COORDENADORIA DA CORTE ESPECIAL**(132)

19/04/201812:27 Protocolizada Petição 204511/2018 (PET - **PETIÇÃO**) em 19/04/2018(118)

16/04/201818:25 Conclusos para julgamento ao(à) Ministro(a) **PRESIDENTE DO STJ** (Relatora) (51)

13/04/201818:36 Juntada de Petição de ParMPF - **PARECER DO MPF nº 193378/2018** (Juntada Automática) (85)

EXHIBIT A.

4

13/04/2018 18:36 Protocolizada Petição 193378/2018 (ParMPF - PARECER DO MPF) em 13/04/2018 (118)  
13/10/2017 19:12 Disponibilizada cópia digital dos autos à(o) MINISTÉRIO PÚBLICO FEDERAL (300101)  
13/10/2017 15:01 Autos com vista ao Ministério Público Federal (30015)  
10/10/2017 16:36 Juntada de Petição de IMPUGNAÇÃO nº 528560/2017 (85)  
10/10/2017 10:21 Protocolizada Petição 528560/2017 (IMP - IMPUGNAÇÃO) em 10/10/2017 (118)  
26/09/2017 17:08 Juntada de Mandado de Intimação nº 000129/2017-CESP (581)  
22/09/2017 10:03 Juntada de Mandado de Intimação nº 000129/2017-CESP (581)  
19/09/2017 16:52 Recebidos os autos no(a) COORDENADORIA DA CORTE ESPECIAL(132)  
15/09/2017 14:06 Conclusos para decisão ao(à) Ministro(a) LAURITA VAZ (Presidente) - pela SJD (51)  
14/09/2017 16:30 Distribuído por competência exclusiva à Ministra PRESIDENTE DO STJ(26)  
14/09/2017 09:40 Remetidos os Autos (fisicamente) para SEÇÃO DE EXPEDIÇÃO (123)  
14/09/2017 06:25 Processo digitalizado e validado (30080)

EXHIBIT A

5

STJ-Electronic Petition (PET) 00204511/2018 received on 4/19/2018 12:25:53



Her Excellency, Appellate Judge and Chair of the Superior Court of Justice

The State of Rio de Janeiro, in the case records of Letter Rogatory 12537, comes respectfully to request that the attached document be added to it and to reiterate the request for the *exequatur* to be denied.

In the same lawsuit filed in the United States, the State, now the applicant, and the Federal Government were indicated as defendants.

Given the defendant duplicity, two letters rogatory were issued, one serving process on the State, and the other serving process on the Federal Government.

The letter serving process on the Federal Government is number 12540; and that of the State is number 12537.

Both letters rogatory went for an opinion to be issued by the Attorney General's Office, and both merited an opinion as to the invalidity of the claim in view of the obvious **JURISDICTIONAL IMMUNITY.**

The opinion of the Attorney General's Office on this letter rogatory, number 12537, in which the State is petitioned, stated that it declared the petition should be rejected, within the terms of the statement set out in letter rogatory number 12540.

It turns out that the opinion on Letter 12540, which in fact provides the reasoning [behind this rejection], was not attached to this letter rogatory, that is, to Letter Rogatory 12537.

Thus, in order to clarify the meaning and scope of the manifestation of the Public Prosecutor in this case, the State requests that the opinion referred to on pages e-STJ 1295, that is, the opinion set out in Letter Rogatory 12,540, be attached, and reiterates its request for this claim to be declared invalid, as in fact the Federal Prosecution Office did.

~~Brasília, April 18, 2018~~

~~Marcelo Mello Martins  
State Prosecutor~~

Electronic document e-Pet No. 2971102 with a digital signature  
Signed by MARCELO ROCHA DE MELLO MARTINS: 31760066168 No. Certified series:  
66711628169767614916420117984630027312  
Id time stamp: 3640229 Date and time: 19/04/2018 12:25:53hs.

Electronic petition attached to the case on 4/23/2018 at 15:46:25 by user: GABRIEL TORRES BRAGA

EXHIBIT A.

61

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
CIVIL DIVISION**

JOHN GREGORY LAMBROS : Case Number: 2017 CA 929 B  
v. : Judge: Florence Y. Pan  
FEDERATIVE REPUBLIC OF BRAZIL, *et al.* : Next Hearing: July 5, 2019

**ORDER**

This matter comes before the Court upon the Motion Requesting Entry of Default, filed by plaintiff on March 18, 2019. Plaintiff filed his complaint on February 10, 2017. Plaintiff availed himself of the services of Crowe Foreign Services to effectuate service on defendants. Based on the documentation received by the Court from Crowe Foreign Services on November 14, 2018, January 18, 2019, and February 8, 2019, along with the representations made in court on February 8, 2019, by Crowe Foreign Services' director of operations, Celeste Ingalls, the Court finds that defendants were properly served. On March 18, 2019, plaintiff filed an amended certificate of service that states that he has served the instant motion on defendants by mailing it to the Ministry of Justice in Brasilia. Defendants have not filed a responsive pleading to the complaint nor have they filed an opposition to the instant motion. The Court therefore enters a default against defendants. *See* D.C. Super. Ct. Civ. R. 55(a) ("When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, the clerk or the court must enter the party's default."). Accordingly, this 8<sup>th</sup> day of April, 2019, it is hereby

**ORDERED** that the Motion Requesting Entry of Default is **GRANTED**; and it is further

**ORDERED** that default is entered against both defendants; and it is further

**ORDERED** that the status hearing scheduled for April 26, 2019, is vacated; and it is

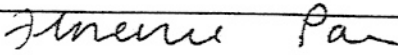
further

**EXHIBIT B.**

7  
//

**ORDERED** that the parties appear for a status hearing on Friday, July 5, 2019, at 10:30 a.m. in Courtroom 415. This hearing may be converted to an *ex parte* proof hearing upon the filing of a motion for default judgment by plaintiff.

**SO ORDERED.**



Judge Florence Y. Pan  
Superior Court of the District of Columbia

Copies to:

John Gregory Lambros  
1759 Van Buren Avenue  
Saint Paul, MN 55104

Federative Republic of Brazil  
c/o Ministerio da Justica  
SCN-Quadra 6-Ed. Venancia 3.000  
Bloco A-2° Andar  
70716-900 Brasilia-DF  
Brazil

State of Rio Janeiro  
Federative Republic of Brazil  
c/o Ministerio da Justica  
SCN-Quadra 6-Ed. Venancia 3.000  
Bloco A-2° Andar  
70716-900 Brasilia-DF  
Brazil

**EXHIBIT B.**



**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
CIVIL DIVISION**

JOHN GREGORY LAMBROS : Case Number: 2017 CA 929 B  
v. : Judge: Florence Y. Pan  
FEDERATIVE REPUBLIC OF BRAZIL, *et al.* : *Ex Parte* Proof Hearing: July 5, 2019

**ORDER**

This matter comes before the Court upon consideration of plaintiff's Motion for Entry of Default Judgment, filed on May 13, 2019. Plaintiff filed his complaint against defendants on February 10, 2017. The Court issued an order on April 8, 2019, ruling that defendants were properly served with process. Defendants have not filed responsive pleadings to the complaint. On April 8, 2019, the Court entered defaults against defendants.

As to plaintiff's request that an attorney be appointed, there is no right to appointment of counsel in civil cases. *See e.g., Cloutterbuck v. Cloutterbuck*, 556 A.2d 1082, 1084 (D.C. 1989) (explaining that the 6<sup>th</sup> Amendment right to counsel, bolstered by the Criminal Justice Act, is "confined to criminal proceedings"); *Williams v. Court Services & Offender Supervision Agency for D.C.*, 878 F.Supp.2d 263, 266 (D.D.C. 2012) (quoting *Brown v. Children's Nat'l Med. Ctr.*, 773 F.Supp.2d 125, 140 (D.D.C. 2011) ("no indigent civil litigant is guaranteed counsel"). Moreover, the Court does not have the resources to appoint attorneys to represent civil litigants.

Accordingly, this 15<sup>th</sup> day of May, 2019, it is hereby

**ORDERED** that the status hearing scheduled for July 5, 2019, is converted to an *ex parte* proof hearing; and it is further

**EXHIBIT C.**

**ORDERED** that plaintiff's request for appointment of counsel is denied.

**SO ORDERED.**

*Florence Pan*

Judge Florence Y. Pan  
Superior Court of the District of Columbia

Copies to:

John Gregory Lambros  
1759 Van Buren Avenue  
Saint Paul, MN 55104

Federative Republic of Brazil  
c/o Ministerio da Justica  
SCN-Quadra 6-Ed. Venancia 3.000  
Bloco A-2° Andar  
70716-900 Brasilia-DF  
Brazil

State of Rio Janeiro  
Federative Republic of Brazil  
c/o Ministerio da Justica  
SCN-Quadra 6-Ed. Venancia 3.000  
Bloco A-2° Andar  
70716-900 Brasilia-DF  
Brazil

EXHIBIT C.

**CIVIL COVER SHEET**

JS-44 (Rev. 6/17 DC)

<p><b>I. (a) PLAINTIFFS</b> John Gregory Lambros</p> <p>(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF _____ (EXCEPT IN U.S. PLAINTIFF CASES)</p>	<p><b>DEFENDANTS</b> Federative Republic of Brazil State of Rio de Janeiro</p> <p>COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____ (IN U.S. PLAINTIFF CASES ONLY) <small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small></p>																								
<p>(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) pro se U.S. Penitentiary Leavenworth P.O. Box 1000 Leavenworth, KS 66048-1000</p>	<p>ATTORNEYS (IF KNOWN) Clara E. Brillembourg Foley Hoag LLP 1717 K St NW, Washington, DC 20006 202-261-7334</p>																								
<p><b>II. BASIS OF JURISDICTION</b> (PLACE AN X IN ONE BOX ONLY)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in item III)</p>	<p><b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) <b>FOR DIVERSITY CASES ONLY!</b></p> <table style="width:100%; border: none;"> <tr> <td></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DFT</td> <td></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DFT</td> </tr> <tr> <td>Citizen of this State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DFT		PTF	DFT	Citizen of this State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

**IV. CASE ASSIGNMENT AND NATURE OF SUIT**

(Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

<p><input type="checkbox"/> <b>A. Antitrust</b></p> <p><input type="checkbox"/> 410 Antitrust</p>	<p><input type="checkbox"/> <b>B. Personal Injury/Malpractice</b></p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel &amp; Slander</p> <p><input type="checkbox"/> 330 Federal Employers Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Medical Malpractice</p> <p><input type="checkbox"/> 365 Product Liability</p> <p><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Product Liability</p>	<p><input type="checkbox"/> <b>C. Administrative Agency Review</b></p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><u>Social Security</u></p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p><u>Other Statutes</u></p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)</p>	<p><input type="checkbox"/> <b>D. Temporary Restraining Order/Preliminary Injunction</b></p> <p>Any nature of suit from any category may be selected for this category of case assignment.</p> <p>*(If Antitrust, then A governs)*</p>	
<p><input type="checkbox"/> <b>E. General Civil (Other)</b></p> <p><u>Real Property</u></p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent, Lease &amp; Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p> <p><u>Personal Property</u></p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>		OR	<p><input checked="" type="checkbox"/> <b>F. Pro Se General Civil</b></p> <p><u>Bankruptcy</u></p> <p><input type="checkbox"/> 422 Appeal 27 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p><u>Prisoner Petitions</u></p> <p><input type="checkbox"/> 535 Death Penalty</p> <p><input type="checkbox"/> 540 Mandamus &amp; Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Conditions</p> <p><input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement</p> <p><u>Property Rights</u></p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 835 Patent - Abbreviated New Drug Application</p> <p><input type="checkbox"/> 840 Trademark</p>	
<p><u>Federal Tax Suits</u></p> <p><input type="checkbox"/> 870 Taxes (US plaintiff or defendant)</p> <p><input type="checkbox"/> 871 IRS-Third Party 26 USC 7609</p> <p><u>Forfeiture/Penalty</u></p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 690 Other</p> <p><u>Other Statutes</u></p> <p><input type="checkbox"/> 375 False Claims Act</p> <p><input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 430 Banks &amp; Banking</p> <p><input type="checkbox"/> 450 Commerce/ICC Rates/etc.</p> <p><input type="checkbox"/> 460 Deportation</p>		<p><input type="checkbox"/> 462 Naturalization Application</p> <p><input type="checkbox"/> 465 Other Immigration Actions</p> <p><input checked="" type="checkbox"/> 470 Racketeer Influenced &amp; Corrupt Organization</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Satellite TV</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 896 Arbitration</p> <p><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p> <p><input type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act)</p>		

EXHIBIT D.

11



<input type="checkbox"/> <b>G. Habeas Corpus/ 2255</b>  <input type="checkbox"/> 530 Habeas Corpus – General <input type="checkbox"/> 510 Motion/Vacate Sentence <input type="checkbox"/> 463 Habeas Corpus – Alien Detainee	<input type="checkbox"/> <b>H. Employment Discrimination</b>  <input type="checkbox"/> 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation)  *(If pro se, select this deck)*	<input type="checkbox"/> <b>I. FOIA/Privacy Act</b>  <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act)  *(If pro se, select this deck)*	<input type="checkbox"/> <b>J. Student Loan</b>  <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="checkbox"/> <b>K. Labor/ERISA (non-employment)</b>  <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> <b>L. Other Civil Rights (non-employment)</b>  <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Americans w/Disabilities – Employment <input type="checkbox"/> 446 Americans w/Disabilities – Other <input type="checkbox"/> 448 Education	<input type="checkbox"/> <b>M. Contract</b>  <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholder's Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="checkbox"/> <b>N. Three-Judge Court</b>  <input type="checkbox"/> 441 Civil Rights – Voting (if Voting Rights Act)

**V. ORIGIN**  
 1 Original Proceeding  
  2 Removed from State Court  
  3 Remanded from Appellate Court  
  4 Reinstated or Reopened  
  5 Transferred from another district (specify)  
  6 Multi-district Litigation  
  7 Appeal to District Judge from Mag. Judge  
  8 Multi-district Litigation – Direct File

**VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)**  
 Plaintiff brings twelve causes of action, including claims under 18 USC § 1962(d) (Racketeer Influenced & Corrupt Organiz:

<b>VII. REQUESTED IN COMPLAINT</b>	CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 <input type="checkbox"/>	DEMAND \$ 301,700,000,000 <input checked="" type="checkbox"/> JURY DEMAND:	Check YES only if demanded in complaint YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
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<b>VIII. RELATED CASE(S) IF ANY</b>	(See instruction)	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If yes, please complete related case form
-------------------------------------	-------------------	---	---

DATE: June 27, 2019	SIGNATURE OF ATTORNEY OF RECORD: /s/ Clara E. Brillembourg
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**INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44**  
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the cover sheet.

- I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III. CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV. CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI. CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII. RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk's Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

**EXHIBIT B. D.**

12

# Florence Y. Pan

**Florence Yu Pan** (born 1966)<sup>[1]</sup> is an attorney and jurist serving as an Associate Judge of the Superior Court of the District of Columbia. She has been announced as a nominee to be a United States District Judge of the United States District Court for the District of Columbia.<sup>[2]</sup>

## Contents

### Education

### Career

Federal judicial nominations

Expired nomination to district court

Intent to renominate under Joe Biden

### Personal life

### See also

### References

## Education

Pan received a Bachelor of Arts degree and a Bachelor of Science degree, *summa cum laude*, in 1988 from the University of Pennsylvania. She received a Juris Doctor, cum laude, from Stanford Law School in 1993.<sup>[3]</sup>

## Career

She began her legal career as a law clerk to Judge Michael Mukasey of the United States District Court for the Southern District of New York, from 1993 to 1994.<sup>[3]</sup> From 1994 to 1995, she served as a law clerk to Judge Ralph K. Winter Jr., of the United States Court of Appeals for the Second Circuit.<sup>[3]</sup> She worked for the United States Department of Justice, as a Bristow Fellow in the Office of the Solicitor General from 1995 to 1996 and then as an attorney in the Appellate Section of the Criminal Division from 1996 to 1998.<sup>[3]</sup> She next worked at the United States Department of Treasury, first as a Senior Advisor to the Assistant Secretary for Financial Markets in 1998 and subsequently as a Senior Advisor to the Undersecretary for Domestic Finance in 1999.<sup>[3]</sup> From 1999 to 2009, she served as an Assistant United States Attorney in the United States Attorney's Office for the District of Columbia, where she also served as Deputy Chief of the Appellate Section from 2007 to 2009.<sup>[3]</sup> She has served as an Associate Judge on the Superior Court of the District of Columbia since 2009.<sup>[3]</sup>

### Florence Y. Pan

**Associate Judge of the Superior Court of the District of Columbia**

#### Incumbent

#### Assumed office

June 8, 2009

**Appointed by** Barack Obama

**Preceded by** Linda Turner Hamilton

#### Personal details

**Born** Florence Yu Pan  
1966 (age 54–55)  
New York City, New York, U.S.

**Spouse(s)** Max Stier (m. 2004)

**Education** University of Pennsylvania (BA, BS)  
Stanford University (JD)

Federal judicial nominations

EXHIBIT E.

13

## Expired nomination to district court

On April 28, 2016, President Barack Obama nominated Pan to serve as a United States District Judge of the United States District Court for the District of Columbia, to the seat vacated by Judge Reggie Walton, who took senior status on December 31, 2015.<sup>[4]</sup> On July 13, 2016, a hearing on her nomination was held before the United States Senate Committee on the Judiciary.<sup>[5]</sup> On September 15, 2016, her nomination was reported out of committee by voice vote. Her nomination expired on January 3, 2017, with the end of the 114th Congress.

## Intent to renominate under Joe Biden

On March 30, 2021, President Joe Biden announced his intent to nominate Pan to serve as a United States District Judge for the United States District Court for the District of Columbia.<sup>[6]</sup> President Biden will nominate Pan to the seat vacated by Judge Ketanji Brown Jackson, who will be nominated to serve as a Circuit Judge for the D.C. Circuit. If confirmed, she will be the first Asian-American woman to serve on the D.C. district court.<sup>[7]</sup>

## Personal life

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In 2004, she married attorney Max Stier, who now serves as the president and CEO of the Partnership for Public Service.<sup>[8]</sup>

## See also

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- List of Asian American jurists

## References

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7. "Biden Names 'Trailblazing' Slate of Judicial Nominees With Diverse Backgrounds" (<https://www.nbcphiladelphia.com/news/politics/biden-names-trailblazing-slate-of-judicial-nominees-with-diverse-backgrounds/2760731/>). *NBC10 Philadelphia*. March 30, 2021. Retrieved March 30, 2021.

EXHIBIT E

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