

**NOT RECOMMENDED FOR FULL-TEXT PUBLICATION**

File Name: 18a0038n.06

Case No. 16-3960

**UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

**FILED**  
Jan 22, 2018  
DEBORAH S. HUNT, Clerk

DRFP L.L.C., dba Skye Ventures, )  
)  
Plaintiff-Appellant, )  
)  
v. )  
)  
REPÚBLICA BOLIVARIANA DE )  
VENEZUELA; THE VENEZUELAN )  
MINISTRY OF FINANCE, )  
)  
Defendants-Appellees. )

ON APPEAL FROM THE UNITED  
STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF  
OHIO

**ORDER**

BEFORE: COOK, KETHLEDGE, and DONALD, Circuit Judges.

COOK, Circuit Judge. When we affirmed the district court’s judgment against DRFP L.L.C., dba Skye Ventures (“Skye”), we invited the República Bolivariana de Venezuela and the Venezuelan Ministry of Finance (collectively, “Venezuela”) to seek attorneys’ fees and costs associated with this appeal. *DRFP L.L.C. v. República Bolivariana de Venezuela*, 706 F. App’x 269, 279–80 (6th Cir. 2017). Venezuela did just that. There followed an opposition from Skye, a submission of unredacted invoices by Venezuela, and one more round of briefing from the parties.

We have reviewed the parties’ submissions and conclude that Skye’s appeal was frivolous. As we explained previously, Skye “advanced arguments untethered to valid analysis

of either Ohio or Venezuelan law.” *Id.* at 280. And what’s more, this appeal stemmed from Skye’s “buy[ing] (for pennies on the dollar) notes that were obviously fraudulent, and then for twelve years [taking] a flier on enforcing them in federal court.” *Id.* (Kethledge, J., concurring).

We therefore **GRANT** Venezuela’s motion for attorneys’ fees. Pursuant to Federal Rule of Appellate Procedure 38, we may “award just damages and single or double costs to” Venezuela. Venezuela seeks over \$750,000 in attorneys’ fees; challenging that calculation, Skye contends that any award should not exceed \$35,000. We deem an award of \$100,000 to be reasonable in light of Rule 38’s purposes.

Accordingly, we **ORDER** Skye to pay Venezuela \$100,000 for attorneys’ fees incurred in this appeal. Skye and its counsel shall be jointly and severally liable to Venezuela for the entire award. *See* 28 U.S.C. § 1927; *see also, e.g., Shaya v. Countrywide Home Loans, Inc.*, 489 F. App’x 815, 820 (6th Cir. 2012); *Raft v. C.I.R.*, 147 F. App’x 458, 463 (6th Cir. 2005).

ENTERED BY ORDER OF THE COURT



---

Deborah S. Hunt, Clerk