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May 20, 2020

VIA ECF

The Hon. Jesse M. Furman
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: The Export-Import Bank of the Republic of China v. Republic of the Congo
Case No. 16-civ-4480 (JMF)

Dear Judge Furman:

We represent the Export Import Bank of the Republic of China ("Ex-Im Bank"), judgment creditor in this matter.

On March 27, 2020, Ex-Im Bank filed its "Second Renewed Motion for Sanctions" (the "Motion"; ECF 49). There, we detailed the lengthy history of on-again, off-again discussions with various DRC officials, none of which had resulted in a specific offer to resolve the case.

On April 16, 2020, we informed this Court by letter (ECF 52) that we had just been contacted by Ms. Benita Kindongo, a French lawyer in the firm Hannoun & Beniking representing the DRC. She had requested a 30-day extension of the deadline for the DRC to respond to the Motion, and we advised the Court that we had no opposition to the 30-day extension. On April 17, this Court ruled, granting one *nunc pro tunc* extension for the DRC to respond by May 18, 2020.

The DRC still has not appeared in this action. However, we have been in periodic communication during this past month by email and telephone with Ms. Kindongo. On Saturday, May 16, 2020, we received a communication from Ms. Kindongo with two settlement proposals. These are the first specific DRC settlement proposals that we have received during these years of sporadic communication, and are a significant beginning to discussions between the parties. We have also received an affirmation from the Government of the DRC that Ms. Kindongo is indeed appointed to represent the Government in this dispute.

The DRC has requested, through Ms. Kindongo, that Ex-Im Bank "drop" the Motion for sanctions while the settlement negotiations are pending. After consultation with Ex-Im Bank, we can advise that we are willing to withdraw the Motion without prejudice to its renewal, if that would be acceptable to the Court.

We understand that the Motion already has a history of "fits and starts", but the new DRC government does seem to be intent on entering into serious discussions. We believe that it would be of assistance to those discussions for the Motion to be withdrawn, without prejudice to its renewal. We hope that is acceptable to the Court.

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As always, of course, we would be happy to answer any questions the Court may have or to supplement this letter in any way that would be helpful to the Court.

Respectfully submitted,



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cc: Democratic Republic of the Congo
H.E. François Nkuna Balumuene
H.E. Ignace Gata Mavita wa Lufuta
Ramazani Mwambo
Benita Kindongo, Esq.

Given the interest in reaching a resolution of this matter, Plaintiff's application is granted and the motion for sanctions is deemed withdrawn without prejudice to renewal. Any renewed motion shall be made by July 9, 2020; any opposition to a renewed motion shall be filed by July 23, 2020; and any reply shall be filed by July 30, 2020. Those deadlines will not be extended absent a good faith belief by both parties that a settlement is realistic. If there is anything the Court can do to facilitate a settlement, the parties shall promptly advise the Court.

The Clerk of Court is directed to terminate ECF Nos. 49 and 55. SO ORDERED.



May 21, 2020