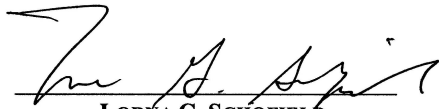


Application **GRANTED**. In a letter filed August 1, 2023, the Stansell and Pescatore Plaintiffs state they do not object to the request for a stay, provided it is limited to the scope described in Caballero's request. This case is **STAYED** with respect to Caballero's collection efforts against the Venezuelan Ministry of Finance pending decision in *Havlish, et al. v. Federal Reserve Bank of N.Y.*, No. 23-258 (2d Cir. Feb. 28, 2023). The Venezuelan Ministry of Finance's motion to dismiss is **DENIED** without prejudice to renewal, following a decision in *Havlish*. Within seven days of any decision in *Havlish*, Caballero shall file a letter proposing next steps with respect to the Venezuelan Ministry of Finance's motion to dismiss. So Ordered.

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LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

The Clerk of Court is respectfully directed to close the motions at Dkt. Nos. 506 and 529 in 16 Misc. 405 and Dkt. Nos. 159 and 166 in 18 Misc. 545.

Dated: August 2, 2023
New York, New York

Re: *Stansell et al. v. Revolutionary Armed Forces of Colombia ("FARC") et al.*
Case No. 16-mc-405-LGS-SN
Pescatore et al. v. Pineda et al. Case No. 18-mc-545-LGS-SN

Dear Judge Schofield:

We represent Antonio Caballero, a party in this TRIA collection action, and write this letter after consulting with, and receiving the approval of, counsel for garnishee Citibank, N.A. and third-party Ministerio del Poder Popular de Economía y Finanzas ("Venezuelan Ministry of Finance"). For the reasons set forth below, Caballero, Citibank, N.A., and the Venezuelan Ministry of Finance request that this Court stay this action as to Caballero's collection efforts against the Venezuelan Ministry of Finance pending the Second Circuit's ruling in *Havlish et al. v. Federal Reserve Bank of New York, Garnishee, The Taliban et al.* (consolidated under Case No. 23-258, Second Circuit).

By way of background, Caballero, like the *Stansell* and *Pescatore* plaintiffs, obtained writs of execution upon Citibank, N.A. (the "Bank") in this Court. The Bank has filed an interpleader complaint (*Stansell*, No. 16-mc-405, Dkt. No. 280) that joined the Venezuelan Ministry of Finance, as well as the *Stansell*, *Pescatore*, and *Caballero* plaintiffs. This letter only addresses the proceedings as to the Venezuelan Ministry of Finance. At this point in the proceeding, Caballero is the only plaintiff with a writ directed to the Venezuelan Ministry of Finance accounts at the Bank, because the *Stansell* and *Pescatore* plaintiffs previously moved to dismiss their writs as to the Venezuelan Ministry of Finance. Caballero had previously obtained his writ in a separate action filed in this Court (*Caballero v. Fuerzas Armadas Revolucionarias de Colombia, et al.*, Case No. 20-mc-00249-PAC (S.D.N.Y. 2020)).¹

Currently pending before this Court is the Venezuelan Ministry of Finance's Renewed and Updated Motion to Dismiss Interpleader Complaint with Prejudice and to Vacate Ex Parte Orders

¹ Caballero also previously obtained a writ of execution directed at the Venezuelan Ministry of Finance in the Western District of New York (*Caballero v. Fuerzas Armadas Revolucionarias de Colombia, et al.*, Case No. 20-mc-00040-LJV (W.D.N.Y. 2020)). That writ was recently dismissed without prejudice pending the Second Circuit's ruling in the *Havlish* case.

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Granting Writs of Execution for Lack of Jurisdiction (*Stansell* ECF Nos. 528, 529, 530) (*Pescatore* ECF Nos. 166, 167) (the “Motion to Dismiss”). The Motion to Dismiss is based, in part, on Magistrate Judge Netburn’s Report and Recommendation, adopted by Judge Daniels, regarding the application of TRIA to an agency or instrumentality of a sovereign nation when the nation is not itself a terrorist party. *See In re: Terrorist Attacks on September 11, 2001*, No. 01-cv-10132, 2023 WL 2138691 (S.D.N.Y. Feb. 21, 2023). As noted above, there is currently an appeal pending before the Second Circuit regarding the central issue raised by the Venezuelan Ministry of Finance before this Court.

Caballero, the Bank, and the Venezuelan Ministry of Finance believe it would be a more efficient use of judicial resources to have the Second Circuit’s decision on the application of TRIA to an agency or instrumentality of a sovereign nation when the nation is not itself a terrorist party. As such, they request that this Court stay this case as to Caballero’s collection efforts against the Venezuelan Ministry of Finance and abate briefing on the Venezuelan Ministry of Finance’s Motion to Dismiss until the Second Circuit’s decision becomes final.

Respectfully submitted,

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cc: Counsel of Record via ECF