

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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VALE S.A.,

Plaintiff,

-against-

BSG RESOURCES LIMITED,

Defendant.
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USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>1/23/2020</u>
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19-CV-3619 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

Plaintiff brings this action against Defendant seeking confirmation of a foreign arbitration award. (*See* Doc. 1.) Defendant cross-moved to dismiss, (*see* Docs. 19–21), but since then have represented that their arguments in opposition have been rendered moot by subsequent decisions by the English High Court. (Doc. 39.) Defendants also represent that they are in the midst of a Chapter 15 bankruptcy in this district. In their various letters on these topics, the parties have sought clarification on the proper forum in which to bring an application for stay of enforcement of any judgment eventually issued by this Court. Accordingly, it is hereby:

ORDERED that the parties shall appear for a conference on February 26, 2020, at 10:30 a.m.

IT IS FURTHER ORDERED that by February 17, 2020, the parties shall submit a joint letter setting forth their joint or separate positions, including relevant supporting authority, on the following topics:

- 1) What is the procedural posture of Defendant's Chapter 15 bankruptcy? What is the procedural posture of the Guernsey Administration?

- 2) What effect would a judgment in this case have on the Chapter 15 bankruptcy, the Guernsey Administration, or any other proceeding?
- 3) What effect would the Chapter 15 bankruptcy, the Guernsey Administration, or any other proceeding have on enforcement of a judgment in this case?
- 4) Leaving aside any arguments about the merits of any contemplated request for injunctive relief, if judgment is entered against Defendant in this case and Defendant wishes to make an application for a stay of enforcement:
 - a. Under what statute or other source of law would Defendant bring that application?
 - b. Which court or courts would have jurisdiction to hear the application?
 - c. If both the district court and the bankruptcy court would have jurisdiction, which court would be the proper or preferred forum to hear the application?

IT IS FURTHER ORDERED that if the parties believe formal briefing is necessary, they shall submit a proposed briefing schedule within seven (7) days of this Order.

SO ORDERED.

Dated: January 23, 2020
New York, New York


Vernon S. Broderick
United States District Judge