

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CRYSTALLEX INTERNATIONAL	:	
CORPORATION,	:	
	:	
Plaintiff,	:	
	:	
v.	:	C.A. No. 17-mc-151-LPS
	:	
BOLIVARIAN REPUBLIC OF VENEZUELA,	:	
	:	
Defendant.	:	

MEMORANDUM ORDER

Having reviewed the parties’ letters (*see* D.I. 167, 168, 169, 170, 171), and recognizing that on May 18, 2020 the United States Supreme Court denied the petition for certiorari filed by the Bolivarian Republic of Venezuela (“Venezuela”) and Petróleos de Venezuela, S.A. (“PDVSA”),

IT IS HEREBY ORDERED that:

1. Consistent with the Court’s prior Orders (*see* D.I. 154, 166), the STAY of this action is LIFTED.
2. PDV Holding, Inc. (“PDVH”) shall answer the writ of attachment by no later than June 5, 2020.
3. The parties/intervenors shall file simultaneous briefs on (a) the mechanics by which the sale of PDVH is to occur, (b) any Rule 60(b) motion or motion to quash or for reconsideration, and (c) any other issue that any party reasonably foresees may interfere with the Court expeditiously proceeding to enforce its prior orders, consistent with the following:

(i) *Disputes regarding mechanics of the sale and any other issue(s)*: Simultaneous opening briefs, not to exceed twenty (20) pages per side, due June 19, 2020; answering briefs, not to exceed twenty (20) pages per side, due July 10; reply briefs, not to exceed ten (10) pages per side, due July 20.

(ii) *Rule 60(b) motion/motion to quash/motion for reconsideration*: Opening brief, not to exceed twenty (20) pages, due June 19, 2020; answering brief, not to exceed twenty (20) pages, due July 10; reply brief, not to exceed ten (10) pages, due July 20.

4. The Court will hear argument on any issues briefed according to the foregoing schedule on July 17 at 10:00 a.m. If the argument cannot be conducted in the courtroom, it will proceed by teleconference.

In crafting this Memorandum Order, the Court has carefully considered the arguments made in the recent letters and agrees with each of the following contentions of Plaintiff Crystallex International Corp. (“Crystallex”):

- “The parties’ letters make their positions clear” (D.I. 171 at 2), so there is no need to direct a meet and confer in this action at this time, which would only lead to further delay.
- “Any further motions by Venezuela and PDVSA should be resolved in conjunction with setting the procedures for the [sale], and only after PDVH has answered the writ of attachment.” (D.I. 167 at 2)
- “No Executive Branch order or regulation prohibits this Court from moving forward in determining how the attached shares will be sold.” (D.I. 171 at 2)


- “Preparing for . . . a sale now will help to maximize the value of PDVH and its subsidiaries while reducing the prejudice that unnecessary delay will cause to Crystallex.” (D.I. 167 at 2)
- “If the Executive Branch wants to be heard in this matter it will so inform the Court.” (D.I. 171 at 2)

Finally, the Court is mindful of the direction of the Court of Appeals for the Third Circuit, which is no longer subject to appellate review:

Venezuela owes Crystallex from a judgment that has been affirmed in our courts. Any outcome where Crystallex is not paid means that Venezuela has avoided its obligations.

Crystallex Int’l Corp. v. Bolivarian Republic of Venezuela, 932 F.3d 126, 149 (3d Cir. 2019), *cert. denied*, 2020 WL 2515508 (May 18, 2020).

May 22, 2020
Wilmington, Delaware


HONORABLE LEONARD P. STARK
UNITED STATES DISTRICT COURT