

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

<p>OI EUROPEAN GROUP B.V., Plaintiff, v. BOLIVARIAN REPUBLIC OF VENEZUELA, Defendant.</p>	<p>Misc. No. 19-290-LPS</p>
<p>NORTHROP GRUMMAN SHIP SYSTEMS, INC., Plaintiff, v. THE MINISTRY OF DEFENSE OF THE REPUBLIC OF VENEZUELA, Defendant.</p>	<p>Misc. No. 20-257-LPS</p>
<p>ACL1 INVESTMENTS LTD., ACL2 INVESTMENTS LTD., and LDO (CAYMAN) XVIII LTD., Plaintiff, v. BOLIVARIAN REPUBLIC OF VENEZUELA, Defendant.</p>	<p>Misc. No. 21-46-LPS</p>
<p>RUSORO MINING LIMITED, Plaintiff, v. BOLIVARIAN REPUBLIC OF VENEZUELA, Defendant.</p>	<p>Misc. No. 21-481-LPS</p>

MEMORANDUM ORDER

At Wilmington this 29th day of September, 2022, having reviewed the materials submitted by OI European Group B.V. (“OIEG”) (*see, e.g.*, Misc. No. 19-290 D.I. 115), Huntington Ingalls Inc. (“Huntington Ingalls”)¹ (*see, e.g.*, Misc. No. 20-257 D.I. 64), ACL1 Investments Ltd. (“ACL1”), ACL2 Investments Ltd. (“ACL2”), and LDO Cayman XVIII Ltd. (“LDO”) (collectively, “ACL”) (*see, e.g.*, Misc. No. 21-46 D.I. 41), Rusoro Mining Limited (“Rusoro”) (*see, e.g.*, Misc. No. 21-481 D.I. 24, 26), and Petróleos de Venezuela, S.A. (“PDVSA”) (*see, e.g.*, Misc. No. 20-257 D.I. 65)² relating to proposed actions on the parties’ pending motions for conditional writs of attachment *feri facias*, and incorporating by reference all of the Court’s previous orders and opinions relating to the parties’ pending motions (*see, e.g.*, Misc. No. 19-290 D.I. 114³ (May 4, 2022 Memorandum Order)),

IT IS HEREBY ORDERED that:

1. In light of the Third Circuit Court of Appeals’ July 26, 2022 denial (*see, e.g.*, C.A. No. 22-8025 D.I. 15)⁴ of OIEG’s (C.A. No. 22-8025), Huntington Ingalls’ (C.A. No. 22-8028), and ACL’s (C.A. No. 22-8026) petitions for permission to appeal, and considering further PDVSA’s request to continue holding OIEG’s, Huntington Ingalls’, ACL’s, and Rusoro’s

¹ Huntington Ingalls was formerly known as Northrop Grumman Ship Systems, Inc.

² PDVSA’s August 8, 2022 response letter was also docketed in Misc. No. 21-46 and Misc. No. 21-481. For simplicity, the Court only cites to the docket in Misc. No. 20-257.

³ The Court’s May 4, 2022 Memorandum Order was also docketed in Misc. Nos. 19-342, 20-257, 21-46, 22-68, and 22-69. For simplicity, the Court only cites to the docket in Misc. No. 19-290.

⁴ The Third Circuit’s Order denying the petitions for leave to appeal was also docketed in C.A. Nos. 22-8024, 22-8025, 22-8026, 22-8027, and 22-8028. For simplicity, the Court only cites to the docket for OIEG’s appeal, C.A. No. 22-8025.

attachment motions in abeyance (*see, e.g.*, Misc. No. 20-257 D.I. 65 at 2-3), the abeyance (*see, e.g.*, Misc. No. 19-290 D.I. 114 (May 4, 2022 Memorandum Order) at 7) on OIEG’s, Huntington Ingalls’, and ACL’s attachment motions is **LIFTED**. PDVSA maintains that it is still “‘inefficient’ and a ‘waste of judicial resources’ to issue interim findings of fact on the alter ego issue at this time” (*E.g.*, Misc. No. 20-257 D.I. 65 at 2 (quoting Misc. No. 19-290 D.I. 114 (May 4, 2022 Memorandum Order) at 7)) The Court previously endorsed that view, when it recommended that the Court of Appeals accept an interlocutory appeal (*see* Misc. No. 19-290 D.I. 114 (May 4, 2022 Memorandum Order) at 7), but now the Third Circuit has denied leave to appeal. Therefore, it is appropriate at this time for the above-captioned matters to proceed and for the Court to resume its consideration of the pending attachment motions, especially given the ongoing proceedings in *Crystallex International Corporation v. Bolivarian Republic of Venezuela*, Misc. No. 17-151.

2. Having considered the parties’ proposed briefing schedules (*see* Misc. No. 21-481 D.I. 24 at 1-2; *id.* D.I. 25 at 3; *id.* D.I. 26 at 2), the following schedule shall govern briefing in Rusoro’s action: (a) PDVSA’s responsive brief is due on October 28, 2022 and (b) Rusoro’s reply brief is due on November 14, 2022.

3. OIEG, Huntington Ingalls, ACL, Rusoro, and PDVSA shall meet and confer and, no later than 2:00 pm on October 4, 2022, submit a joint status report, advising the Court of their position(s) as to the next steps the Court should take, including whether any or all of these parties request (a) additional briefing (and, if so, on what topic(s)) and (b) additional proceedings in court (and, if so, on what topic(s)).


HONORABLE LEONARD P. STARK
UNITED STATES DISTRICT COURT