UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

NOVENERGIA II – ENERGY & ENVIRONMENT (SCA),)))
Petitioner,) Civil Action No. 1:18-cv-1148 (TSC)
v.	
THE KINGDOM OF SPAIN,))
Respondent.))

MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEF IN SUPPORT OF THE KINGDOM OF SPAIN'S MOTION TO DISMISS AND TO DENY PETITION FOR CONFIRMATION OF FOREIGN ARBITRAL AWARD

Respondent the Kingdom of Spain respectfully moves for leave to submit a short supplemental brief in support of its motion to dismiss and deny Novenergia II – Energy & Environment (SCA) ("Novenergia")'s petition for confirmation of foreign arbitral award. Pursuant to Local Civil Rule 7(m), counsel for Spain have consulted with counsel for Petitioner, and Petitioner opposes this motion.

On March 14, 2019, Petitioner submitted a Supplemental Corporate Disclosure Statement in which it informed the Court that "[a]s of February 28, 2019, [it] entered into dissolution and liquidation." D.E. 31 at 1.

A supplemental brief is warranted when it would "aid the Court in its decision by bringing new information to light." *D'Onofrio v. SFX Sports Grp., Inc.*, 254 F.R.D. 129, 130 (D.D.C. 2008). Spain seeks to submit a short brief, attached hereto as Exhibit 1, to respond to the new information disclosed by Petitioner. In particular, Spain wishes to address the impact of Petitioner's dissolution and liquidation on the "balance of the possible hardships to each of the

parties," *Europear Italia, S.P.A. v. Maiellano Tours*, 156 F.3d 310, 318 (2d Cir. 1998), in connection with Spain's alternative request for a stay of these proceedings.

WHEREFORE, Spain respectfully requests the Court permit Spain to file the supplemental brief attached hereto as Exhibit 1.

Dated: April 10, 2019 Respectfully submitted,

KINGDOM OF SPAIN

By its attorneys, /s/ Derek C. Smith

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CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2019, I caused a true and correct copy of the foregoing

to be filed with the Clerk of the Court using the ECF system and thereby served upon all counsel

of record.

/s/ Derek C. Smith
Derek C. Smith

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