

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

EISER INFRASTRUCTURE LIMITED  
AND ENERGIA SOLAR LUXEMBOURG  
S.A.R.L.,

*Petitioners,*

v.

KINGDOM OF SPAIN,

*Respondent.*

Civil Action No. 18-1686 (CKK)

**ORDER**

(February 13, 2020)

[1] On January 15, 2020, this Court entered a Minute Order noting that there are pending motions to dismiss and to strike filed by Respondent Kingdom of Spain and instructing the parties to provide information about any “changes in circumstances, changes of law, or other developments” affecting these motions, prior to the Court ruling on such motions. *See* 1/15/20 Minute Order. The Court asked additionally for updated information about the status of the International Center for the Settlement of Investment Disputes (“ICSID”) proceedings related to this case, and whether the parties had conferred regarding the appropriateness of a stay pending the conclusion of the ICSID proceeding, as was done in several other cases pending in this District Court. *See id.*

[2] On February 12, 2020, the parties filed their [50] Joint Status Report providing information responsive to this Court’s Minute Order. The parties indicated that “[o]n January 3, 2020, the [*ad hoc*] committee [constituted by the ICSID] notified the parties that it expected to issue its final decision on annulment in the first half of February 2020.” Joint Status Report, ECF No. 50, at 1. The parties note that pursuant to the Convention on the Settlement of Investment Disputes between States and Nationals of Other States (a copy of

which is attached to the Petition to Enforce Arbitral Award, at ECF No. 1-2), “the committee’s decision on annulment will be final and non-appealable.” ICSID Convention, art. 53(1). Although a decision by the committee is anticipated within a short period of time, Petitioner “Eiser’s position is that the case should not be stayed because the *ad hoc* committee constituted by ICSID to decide Spain’s application to annul Eiser’s arbitration award denied a stay of enforcement pending consideration of that petition . . .” Joint Status Report, ECF No. 50, at 4. Respondent Kingdom of Spain “is not taking a position on whether to seek a stay of enforcement at this time.” *Id.*

[3] Accordingly, because the parties have been notified that a decision on the annulment of the arbitration award is imminent, and it appearing that an affirmative decision on annulment would moot this case, it is this 13<sup>th</sup> day of February 2020,

**ORDERED** that this case is STAYED pending a decision by the *ad hoc* committee constituted by ICSID, and it is further

**ORDERED** that within ten (10) business days after receipt of any decision by the *ad hoc* committee constituted by the ICSID, the parties shall file a Joint Status Report informing this Court of the decision and indicating whether or not this case should be dismissed.

**SO ORDERED.**

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/s/  
COLLEEN KOLLAR-KOTELLY  
UNITED STATES DISTRICT JUDGE