

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
Mohammad Ammar Al-Bahloul

Plaintiff,

-against-

The Republic of Tajikistan

Defendant,
-----x

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/19/11
Index No.

DEFAULT JUDGEMENT

10 CV 9257

This cause came before the Court on Movant Mohammad Ammar Al-Bahloul's ("Al-Bahloul") Motion for Entry of a Default Judgment confirming the September 2, 2009 Partial Award on Jurisdiction and Liability and the June 8, 2010 Final Award by an arbitration panel of the Arbitration Institute of the Stockholm Chamber of Commerce.

1. Movant is an Austrian citizen with his principle place of business in Vienna, Austria.
2. Movant instituted this action on December 10, 2010 by filing its Application to Confirm Arbitral Awards pursuant to Section 203 of the FAA, 9 U.S.C §203, which expressly confers original subject matter jurisdiction on this Court over proceedings falling under the Convention on Recognition and Enforcement of Foreign Arbitral Awards or the "New York Convention" of which Sweden (the seat of the arbitration) is a signatory.
3. Movant has proven specific Personal Jurisdiction over Tajikistan because it has purposefully availed itself of the benefits of this forum by its maintenance of a permanent mission at 216 East 49th Street, New York, NY 10017 (§304.4) and the maintenance of federally insured and protected bank accounts with Chase

Manhattan Bank in New York City (§302,1). These minimum contacts just scratch the surface of Tajikistan's activity in the State of New York. This court also has personal jurisdiction over Tajikistan as it has impliedly consented to personal jurisdiction in this forum through the Energy Charter Treaty as confirmed by the tribunal in the Partial Award on Jurisdiction and Liability.

4. Venue is proper in this district under section 204 of the FAA, 9 U.S.C. §204, and the general venue statute, 28 U.S.C. §1391.
5. Movant has complied with the requirements of Article IV (1) of the New York Convention by supplying with this application: (i) a copy of the Partial Award on Jurisdiction and Liability (Exhibit 1-B of Document #1), certified as a true and accurate copy by the Plaintiff (Exhibit at 1-A of Document #1); (ii) a copy of the Final Award (Exhibit 2-B of Document #1), certified as a true and accurate copy by the Plaintiff (Exhibit 2-A of Document #1); (iii) a copy of the arbitration agreement (Exhibit 3 of Document #1) given effect by the signing of the Energy Charter Treaty by the Republics of Austria and Tajikistan.
6. On January 4, 2011 summons was duly issued by this court to Defendant The Republic of Tajikistan.
7. On January 25, 2011 by Clerk Certificate of Mailing the Application, Exhibits and Summons were served upon the President of The Republic of Tajikistan. A response was due no later than February 15, 2011. The Minister of the Ministry of Energy and Industry was also effectively served as further notice to the government on February 11, 2011, requiring a response by March 8, 2011, but the Republic has failed to make any appearance or response.

8. Defendant The Republic of Tajikistan has failed to plead or otherwise defend.

NOW THEREFORE, IT IS HERBY ORDERED, ADJUDGED AND DECREED:

The Court, having reviewed Plaintiff's Application to Confirm Arbitral Awards, hereby GRANTS the Application, and Orders that Defendant must within thirty (30) days of the date of this Order:

- a. Pay Plaintiff EUR 562,488 and SK 4063 pursuant to the confirmation of the Partial Award on Jurisdiction and Liability and Final Award;
- b. ~~Pay the Plaintiff attorney's fees in connection with its Application to Confirm Arbitral Awards amounting to \$12,500;~~
- c. Pay the Plaintiff costs related to this suit amounting to \$370;
- d. ~~Pay interest from the date of this judgment until the full amount is paid.~~

By

Additionally, pursuant to its powers under the Federal Arbitration Act and the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, this court confirms the findings of the Partial Award on Jurisdiction and Liability (issued in Stockholm September 2, 2009) and the Final Award (issued in Stockholm June 8, 2010).

post judgment interest pursuant to 28 USC § 1961 at the rate of _____ percent per annum from the date of this judgment.

Clerk of Court
 Dated: ~~March 9, 2010~~
 April 19, 2011

Barbara S. J.
 United States District/Magistrate Judge

The Clerk of the Court is directed to compute the post judgment interest rate as of the date of this order.

The post-judgment interest rate as of the date of this order is 0.24% per annum

Rub, S. Kravich
By [Signature]
Deputy