

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

AES Solar Energy Coöperatief U.A. and
Ampere Equity Fund B.V.,

Petitioners,

v.

The Kingdom of Spain,

Respondent.

Civil Action No. 1:21-cv-03249-RJL

Emergency Request for Telephonic Status Conference

Petitioners AES Solar Energy Coöperatief U.A. (“AES”) and Ampere Equity Fund B.V. (“Ampere”) (collectively, “Petitioners”) and Blasket Renewable Investments LLC (“Blasket,” and together with Petitioners, “Movants”) respectfully request that this Court schedule a telephonic status conference before close of business today, March 3, 2023, to consider requests for relief by Movants in light of recent actions taken this morning by Respondent the Kingdom of Spain (“Spain”).

Last night, Movants filed: (1) a Motion for Substitution, seeking to substitute Blasket for Petitioners in this action, ECF No. 31; and (2) an Emergency Motion for Expedited Briefing and Consideration, ECF No. 32, requesting expedited briefing and consideration of the Motion for Substitution. In response, earlier this morning, Spain sent letters, attached hereto as Exs. A and B, to Petitioners’ Board of Directors, threatening to impose liability of Petitioners’ directors if Movants did not withdraw the Motion for Substitution. The letter asserts that it “serves a first and final warning” to Petitioners’ “board members personally” that “directors can be held liable for the damages” to Spain that might result from substitution—and asserts even that “directors of a company may receive a prison sentence of up to two years” by proceeding with substitution. Ex.

A at 2-3; Ex. B at 2-3. In addition, Spain's counsel sent to Petitioners' Dutch counsel an email, attached hereto as Ex. C, demanding a hearing in the Dutch courts at 4 p.m. Central European Time on Monday, March 6, 2023. The Dutch court has now scheduled a hearing for that time.

It is clear from these communications that Spain intends to immediately seek further relief in the Dutch courts to interfere with this Court's lawful jurisdiction over this action. These communications further make clear that neither the briefing schedule ordered by this Court this morning, nor even the briefing schedule originally requested by Movants in their Motion to Expedite, will adequately protect Movants' interests. Indeed, even if this Court were to schedule a hearing first thing in the morning on Monday, March 6, 2023, it is likely that Spain would seek to expedite the hearing the Dutch courts have already calendared, which are six hours ahead of this Court.

Accordingly, in order to forestall any preemptive effort by Spain in the Dutch courts, Movants respectfully request that this Court immediately schedule a status hearing this afternoon at which Movants may request further relief. Because the undersigned counsel for Movant is currently traveling, Movants respectfully request that the hearing be conducted by telephonic conference. In the alternative, if this Court is unable to schedule a hearing, Movants respectfully request that the Court immediately grant the Motion for Substitution without further briefing.

Dated: March 3, 2023

Respectfully submitted,

/s/ Matthew McGill

Matthew McGill, D.C. Bar #481430
mmc Gill@gibsondunn.com
Matthew S. Rozen, D.C. Bar #1023209
mrozen@gibsondunn.com
Ankita Ritwik, D.C. Bar #1024801
aritwik@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036
Telephone: 202.955.8500
Facsimile: 202.467.0539

*Attorneys for Petitioners AES Solar Energy
Coöperatief U.A. and Ampere Equity Fund B.V. and
Assignee Blasket Renewable Investments LLC*

CERTIFICATE OF SERVICE

I hereby certify that on March 3, 2023, I caused a true and correct copy of the foregoing Emergency Request for Telephonic Status Conference to be filed with the Clerk for the U.S. District Court for the District of Columbia through the ECF system. Participants in the case who are registered ECF users will be served through the ECF system, as identified by the Notice of Electronic Filing.

/s/ Matthew McGill

Matthew McGill