

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Clorox Spain S.L.,

Petitioner,

v.

The Bolivarian Republic of Venezuela,

Respondent.

Civil Action No. 1:24-cv-02060

Petitioner's Status Report Regarding Service of Process

Petitioner Clorox Spain S.L. ("Clorox") respectfully submits the following response to the Court's December 9, 2024 Minute Order directing Clorox to update the Court on its efforts to serve Respondent Bolivarian Republic of Venezuela ("Venezuela") in this action.

As discussed in Petitioner's Response to the Court's Order to Show Cause, ECF No. 5, Venezuela is subject to service pursuant to the hierarchical service provisions of the Foreign Sovereign Immunities Act, 28 U.S.C. §1608(a)(1)-(4). Because Venezuela is a signatory to the 1965 Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (the "Hague Convention"), on August 16, 2024 Petitioner initiated service under Section 1608(a)(2) by sending a request for service and the associated service documents to Venezuela's designated Central Authority in Caracas. Upon receiving the documents on August 21, 2024, the Central Authority was charged by treaty with the obligation to serve the documents or, if service was not possible, to inform Petitioner that the documents could be served. Hague Convention, 20 U.S.T. 361, T.I.A.S. No. 6638, Arts. 5-6.

To date, Clorox has not received a response from Venezuela or its Central Authority. This is not particularly surprising. Central authorities in general can often take "at least" six months to

complete the service process. *See e.g.*, Eric Porterfield, *Too Much Service, Not Enough Process: International Service of Process Under the Hague Service Convention*, 86 Temp. L. Rev. 331, 345 (2014). Moreover, Venezuela “has a documented history of playing a shell game: circumventing service by refusing to issue a certificate when the party to be served is the same entity that it has designated as its Central Authority,” *i.e.*, the government itself. *Koch Minerals Sàrl v. Bolivarian Republic of Venezuela*, 514 F. Supp. 3d 20, 34 (D.D.C. 2020); *see also Trapote v. Bolivarian Republic of Venezuela*, 2024 WL 1549146 at *1 (D.D.C. Apr. 10, 2024) (accepting statement that “‘Venezuela does not comply with its obligations’ under the Hague Convention”).

Accordingly, the nearly six months that have elapsed since Plaintiff’s August 16, 2024 mailing is not out of the ordinary. Nevertheless, in light of the Central Authority’s pattern of inaction and general guidance that six months should be adequate time for a Central Authority to complete service, absent receipt of a completed service return by February 16, 2025, Petitioner will proceed to service via diplomatic means by requesting the Clerk of Court’s assistance in dispatching a copy of the summons, petition, and notice of the suit (with corresponding Spanish translations) to the United States Department of State for service on Venezuela. *See* 28 U.S.C. § 1608(a)(4); *see also Trapote*, 2024 WL 1549146, at *2.

Dated: February 7, 2025

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