

S.D.N.Y.-N.Y.C.  
08-cv-6978  
09-cv-1707  
09-cv-1708  
09-cv-8757  
09-cv-10620  
10-cv-1602  
10-cv-3507  
10-cv-3970  
10-cv-4101  
10-cv-4782  
10-cv-5338  
10-cv-8339  
10-cv-9587  
Griesa, J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

---

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Richard C. Lee United States Courthouse, 141 Church Street, in the City of New Haven, on the 22<sup>nd</sup> day of October, two thousand fourteen.

Present:

John M. Walker, Jr.,  
José A. Cabranes,  
*Circuit Judges.\**

---

NML Capital, Ltd.,

*Plaintiff-Appellee,*

v.

14-2922 (L);  
14-3338 (Con)

Euro Bondholders,

*Appellants,*

---

\*Judge Raymond L. Lohier, Jr., originally assigned to the panel, recused himself from this case. The two remaining members of the panel, who are in agreement, have determined the matter in accordance with Second Circuit Internal Operating Procedure E(b). *See* 28 U.S.C. § 46(d) & n.1; *cf. United States v. Desimone*, 140 F.3d 457 (2d Cir. 1998).

Republic of Argentina,

*Defendant-Appellant.*

---

Aurelius Capital Master, Ltd., Aurelius Opportunities  
Fund II, LLC,

*Plaintiffs-Appellees,*

v.

14-2924 (L);  
14-3340 (Con)

Euro Bondholders,

*Appellants,*

Republic of Argentina,

*Defendant-Appellant.*

---

Pablo Alberto Varela, et al.,

*Plaintiffs-Appellees,*

v.

14-2925 (L);  
14-3425 (Con)

Euro Bondholders,

*Appellants,*

Republic of Argentina,

*Defendant-Appellant.*

---

NML Capital, Ltd.,

*Plaintiff-Appellee,*

v.

14-2938 (L);  
14-3322 (Con)

Republic of Argentina,

*Defendant-Appellant,*

Euro Bondholders,

*Appellants.*

---

Aurelius Capital Master, Ltd., ACP Master, Ltd.,

*Plaintiffs-Appellees,*

v.

14-2939 (L);  
14-3324 (Con)

Republic of Argentina,

*Defendant-Appellant,*

Euro Bondholders,

*Appellants.*

---

Aurelius Capital Master, Ltd., Aurelius Opportunities  
Fund, II, LLC,

*Plaintiffs-Appellees,*

v.

14-2940 (L);  
14-3371 (Con)

Republic of Argentina,

*Defendant-Appellee,*

Euro Bondholders,

*Appellants.*

---

Blue Angel Capital I LLC,

*Plaintiff-Appellee,*

v.

14-2941 (L);

Euro Bondholders,  
*Appellants,*  
Republic of Argentina,  
*Defendant-Appellant.*

---

Aurelius Capital Master, Ltd., ACP Master, Ltd.,  
*Plaintiffs-Appellees,*

v. 14-2999 (L);  
14-3467 (Con)

The Republic of Argentina,  
*Defendant-Appellant,*  
Bank of America, N.A.,  
*Respondent-Appellee,*

v.

Euro Bondholders,  
*Interested Party-Appellants.*

---

Blue Angel Capital I LLC,  
*Plaintiff-Appellee,*

v. 14-3001 (L);  
14-3344 (Con)

Euro Bondholders,  
*Appellants,*  
Republic of Argentina,  
*Defendant-Appellant.*

---

Olifant Fund, LTD.,

*Plaintiff-Appellee,*

v.

14-3002 (L);  
14-3364 (Con)

Euro Bondholders,

*Appellants,*

Republic of Argentina,

*Defendant-Appellant.*

---

Aurelius Capital Master, Ltd., Aurelius Opportunities  
Fund II, LLC,

*Plaintiffs-Appellees,*

v.

14-3016 (L);  
14-3462 (Con)

Republic of Argentina,

*Defendant-Appellee,*

Bank of America, N.A.,

*Respondent-Appellee,*

v.

Euro Bondholders,

*Interested Party-Appellants.*

---

Aurelius Opportunities Fund II, LLC, Aurelius Capital  
Master, Ltd.

*Plaintiffs-Appellees,*

v. 14-3022 (L);  
14-3481 (Con)  
Republic of Argentina,

*Defendant-Appellee,*

Bank of America, N.A.,

*Respondent-Appellee,*

v.  
Euro Bondholders,

*Interested Party-Appellants.*

---

NML Capital, Ltd,

*Plaintiff-Appellee,*

v.  
Republic of Argentina,

14-3045

*Defendant-Appellee,*

v.  
Fintech Advisory, Inc.,

*Interested Party-Appellant.*

---

NML Capital, Ltd.,

*Plaintiff-Appellee,*

v.  
Euro Bondholders,

14-3055 (L);  
14-3448 (Con)

*Appellants,*

Republic of Argentina,

*Defendant-Appellant.*

---

The Republic of Argentina, Euro Bondholders, and Fintech Advisory, Inc., appeal from the August 6, 2014 order of the United States District Court for the Southern District of New York (Thomas P. Griesa, *Judge*) clarifying that the Bank of New York Mellon (“BNY”) was not in violation of the District Court’s Amended February 23, 2012 Order.

We conclude that this Court lacks jurisdiction because the Order appealed from is a clarification, not a modification, of the Amended February 23, 2012 Order. *See Weight Watchers Int’l, Inc. v. Luigino’s, Inc.*, 423 F.3d 137, 141 (2d Cir. 2005) (“An order reconsidering or interpreting a preliminary injunction . . . is not appealable.”). The injunction, as issued, already prohibited BNY from assisting Argentina in evading its terms, and the Order’s language concerning BNY’s liability does not enjoin third parties, such as Euro Bondholders or Fintech, from bringing suit against BNY. Accordingly, the Order neither expands nor modifies the existing injunction.

It is hereby ORDERED that the above appeals are CONSOLIDATED and DISMISSED for lack of jurisdiction. The motions to expedite, to enter certain briefing schedules, and to intervene are DENIED as moot.

FOR THE COURT:  
Catherine O’Hagan Wolfe, Clerk

  
Catherine O'Hagan Wolfe

