

MOTION INFORMATION STATEMENT

Docket Number(s): 16-628(L)

Caption [use short title]

Motion for: Motion of Amici Curiae Foreign-law Bondholders to Include Exhibits in the Addendum to Their Brief Amici Curiae

Aurelius Capital Master, Ltd. v. The Republic of Argentina

Set forth below precise, complete statement of relief sought:
To include exhibits that are not statutes, regulations or rules in the addendum to their amici brief

MOVING PARTY: Foreign-law Bondholders
 Plaintiff Defendant
 Appellant/Petitioner Appellee/Respondent

OPPOSING PARTY: The Republic of Argentina

MOVING ATTORNEY: Sabin Willett
[name of attorney, with firm, address, phone number and e-mail]

OPPOSING ATTORNEY: Michael Paskin

Morgan, Lewis & Bockius LLP
One Federal Street
Boston, MA 02110

Cravath, Swain & Moore LLP
825 Eighth Avenue
New York, NY 10019

Court-Judge/Agency appealed from: Southern District of New York, District Judge Thomas P. Griesa

Please check appropriate boxes:
Has movant notified opposing counsel (required by Local Rule 27.1):
 Yes No (explain): _____
Opposing counsel's position on motion:
 Unopposed Opposed Don't Know
Does opposing counsel intend to file a response:
 Yes No Don't Know

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:
Has request for relief been made below? Yes No
Has this relief been previously sought in this Court? Yes No
Requested return date and explanation of emergency: _____

Is oral argument on motion requested? Yes No (requests for oral argument will not necessarily be granted)
Has argument date of appeal been set? Yes No If yes, enter date: April 13, 2016

Signature of Moving Attorney: /s/ Sabin Willett Date: 3/30/16 Service by: CM/ECF Other [Attach proof of service]

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

AURELIUS CAPITAL MASTER,
LTD. AND ACP MASTER, LTD.,

Plaintiffs - Appellants,

- against -

THE REPUBLIC OF ARGENTINA,

Defendant - Appellee.

No. 16-628(L)

**MOTION OF *AMICI CURIAE* FOREIGN-LAW
BONDHOLDERS TO INCLUDE EXHIBITS IN
THE ADDENDUM TO THEIR *BRIEF AMICI CURIAE***

Pursuant to Rule 27 of the Federal Rules of Appellate Procedure and Local Rule 27.1, *amici curiae* ARAG-A Limited, ARAG-O Limited, ARAG-T Limited, ARAG-V Limited, Yellow Crane Holdings, L.L.C., MCHA Holdings, LLC, Honero Fund I, LLC, Red Pines LLC, Trinity Investments Limited, Spinnaker Global Emerging Markets Fund, Ltd. and Spinnaker Global Special Situations Fund LP move for leave to include exhibits in the addendum to their brief as *Amici Curiae*. As grounds, *Amici* state:

1. On March 23, 2016, this Court granted *Amici* leave to file a *brief amici curiae* in favor of reversal of the order below. Dkt. No. 452.

2. On March 29, 2016, *Amici* filed their Brief *Amici Curiae*. Dkt. No. 488. To assist this Court in its review of the points raised in the brief, *Amici* seek leave to include exhibits in the brief's addendum that are not statutes, rules and regulations. Five items in the addendum consist of filings made in pending civil actions of *Amici* in the district court. These pending civil actions are related to the actions that are the subject of appeal in the matters before this Court (but are not among the actions that are part of this appeal). A sixth item consists of a single email sent by undersigned counsel to counsel for defendant-appellee the Republic of Argentina while this case was on appeal here.

5. This appeal involves an order issued by the district court that certain injunctions were to be vacated upon the occurrence, *inter alia*, of payment of parties that reached agreements in principle with Argentina on or before February 29, 2016. In their brief, *Amici* explain that they reached such agreements with Argentina, but that thereafter an actual controversy arose as to whether Argentina would honor those agreements. The dispute turns on Argentina's attempt, after the fact, to substitute a statute-of-limitations proviso for text in the agreements that limits eligibility solely on the basis of prescription.

6. Addenda nos. 1 and 2 are dockets 51 and 52 in civil action nos. 14-09095 (S.D.N.Y.)(TPG), and 14-09427 (S.D.N.Y.)(TPG), respectively, consisting of assented-to motions to extend a briefing deadline, and the Court's approval thereof, cited to show that Argentina originally acted as though it had settled. Addendum no. 3 is confirmation of a later, inter-counsel telephone conversation that occurred while the appeal was lodged here, confirming that an actual controversy had by then arisen between Argentina and *Amici*.¹ Addendum no. 4 is docket no. 40, exhibit 12 in no. 14-09095 (S.D.N.Y.), filed below and addressing the scope of "prescription" of the English-law bonds. Addenda nos. 5 and 6 are docket no. 40, exhibits 12 and 22 respectively, in no. 14-09095 (S.D.N.Y.), filed below to address a dispute between the parties as to the operation of the German statutory prescription period.

7. All of the items in the addendum except Addendum no. 3 are filings made in the district court in the cases that *Amici* contend have now resulted in agreements in principle that must be paid as part of the order on appeal. Addendum no. 3 evidences the development of the actual controversy that now exists on this point.

Wherefore, *Amici* respectfully request that this Court grant them leave to include the Proposed Exhibits in the addendum to their *Brief Amici Curiae*.

¹ Based on the Brief for Defendant-Appellee, it appears to be undisputed that an actual controversy exists.

Dated: March 30, 2016
New York, New York

Respectfully Submitted,

MORGAN, LEWIS & BOCKIUS LLP

/s/ Sabin Willett

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