

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

_____)	
EXXON MOBIL CORPORATION,)	Civil Action No.: 19-1277 (APM)
)	
Plaintiff,)	
)	
v.)	
)	
CORPORACIÓN CIMEX, S.A., AND)	
UNIÓN CUBA-PETRÓLEO,)	
)	
Defendants.)	
_____)	

**DEFENDANTS CORPORACIÓN CIMEX, S.A., AND UNIÓN CUBA-PETRÓLEO’s
CONSENT MOTION TO SET TIME TO RESPOND TO COMPLAINT**

Defendants CORPORACIÓN CIMEX, S.A. (“CIMEX”) and UNIÓN CUBA-PETRÓLEO (“CUPET”) move, pursuant to Fed. R. Civ. P. 6(b)(1), for an Order setting October 8, 2019 as the time for Defendants to answer or move with respect to the Complaint. Counsel for Plaintiff has authorized the undersigned to represent that Plaintiff consents to the Court’s granting this motion.

In support of this motion, Defendants respectfully state as follows:

1. This action was commenced by the filing of the Complaint on May 2, 2019. In its Complaint, Plaintiff invokes jurisdiction under the Foreign Sovereign Immunities Act (“FSIA”), 28 U.S.C. § 1602 *et seq.*, which provides 60 days from the date of service for a foreign state, or its agency or instrumentality, to “serve an answer or other responsive pleading to the complaint[.]” 28 U.S.C. § 1608(d). The FSIA expressly provides that service is a prerequisite for establishing personal jurisdiction. 28 U.S.C. § 1330(b).

2. The proposed due date is requested in order for Defendants to properly prepare an

answer or Rule 12(b) motion to dismiss the Complaint. This action, among the first to be filed, and the first to be filed against Cuban parties, under Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, 22 U.S.C. §§ 6081–6085, raises, Defendants believe, a multitude of legal and factual issues requiring careful investigation and consideration. Moreover, the Defendants are located abroad, and the translation of materials will be necessary for the consideration and presentation of Defendants’ response.

3. Further, the parties have agreed to the proposed October 8, 2019 due date to avoid litigation over the effectiveness of service. Defendant CUPET received a Summons and Complaint on or around June 10, 2019. Docket No. 13. Defendant CIMEX received a copy of a Summons and Complaint on or around June 11, 2019, but no return of service has yet been filed with the Court. In communications with Plaintiff, Defendants objected that the purported service was ineffective as to both Defendants because the purported Summons delivered to them did not bear the Clerk’s signature or the Court’s seal. The Parties reached agreement to resolve the matter by: (a) agreeing upon October 8, 2019 as the time by which Defendants must answer or move with respect to the Complaint; and (b) Defendants waiving objections to and/or any defenses concerning insufficient process and/or insufficient service of process.

4. The parties further agree that if Defendants response to the Complaint is by way of a motion, Plaintiff shall file an opposition within thirty (30) days from Defendants’ motion. Defendants shall file a reply, if any, within fourteen (14) days from Plaintiff’s opposition.

For the foregoing reasons, Defendants (a) move for the entry of an Order, with Plaintiff’s consent, setting October 8, 2019 as the date by which they must answer or move with respect to the Complaint and setting a briefing schedule of thirty (30) days for an opposition and fourteen (14) days for a reply, and (b) waive any objections or defenses as to the effectiveness of process

or the service of process, with the reservation that, in the event this motion is not granted, they retain the right to contest the effectiveness of service. A proposed order is enclosed.

Dated: August 2, 2019

Respectfully submitted,

/s/ Michael Krinsky
Michael Krinsky (USDC, DC #NY0302)
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Counsel for Defendants

CERTIFICATE OF SERVICE

This is to certify that the foregoing Consent Motion to Set Time to Respond to Complaint was electronically filed with the Clerk of Court using the CM/ECF system that will automatically send email notification of such filing to the following attorneys(s) of record:

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(via CM/ECF)

This 2nd day of August, 2019

/s/ Michael Krinsky
Michael Krinsky

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CORPORACIÓN CIMEX, S.A., AND)	
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Defendants.)	
_____)	

ORDER

Upon consideration of Defendants’ Consent Motion for an Order setting October 8, 2019 as the time for Defendants to answer or move with respect to the Complaint, it is hereby

ORDERED, that the motion is **GRANTED**; and it is further

ORDERED, that Defendants shall answer or move with respect to the Complaint no later than October 8, 2019; and it is further

ORDERED, if Defendants response to the Complaint is by way of a motion, Plaintiff shall file an opposition within thirty (30) days from Defendants’ motion. Defendants shall file a reply, if any, within fourteen (14) days from Plaintiff’s opposition; and it is further

ORDERED, that Defendants waived any objections to and/or any defenses concerning, insufficient process and/or insufficient service of process.

Dated: _____

Hon. Amit P. Mehta
United States District Judge

Copies to:

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