

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**FILED**

JUL 30 2010

AGUDAS CHASIDEI CHABAD OF  
UNITED STATES,

Plaintiff,

v.

RUSSIAN FEDERATION, *et al.*,  
Defendants.

Civil Action No. 05-1548 (RCL)

Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

**ORDER GRANTING PLAINTIFF'S MOTION FOR ENTRY OF  
DEFAULT JUDGMENT AGAINST ALL DEFENDANTS**

On October 27, 2009, this Court granted Plaintiffs request for an entry of default (Document 77) against Defendants Russian Federation, Russian Ministry of Culture and Mass Communication, Russian State Library, and Russian State Military Archive (collectively, "Defendants") following the withdrawal of Defendants' counsel of record (Document 76) and Defendants' announced intention to withdraw from the litigation and disregard any and all Orders entered by this Court (Document 71).

Defendants thereafter moved for a Default Judgment against all Defendants and filed in support thereof a Memorandum of Points and Authorities together with Declarations of Nathan Lewin, Rabbi Yehuda Krinsky and Rabbi Shalom Dovber Levine, and extensive record materials compiled during the course of this proceeding.

Having carefully reviewed the briefing and evidentiary materials supporting Plaintiffs Default Judgment Motion, considered the various arguments made by the Parties during the course of these proceedings, and taken into account the earlier decision of the U.S. Court of

Appeals for the District of Columbia Circuit affirming this Court's jurisdiction over the Defendants under the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605(a)(3),

IT IS HEREBY ORDERED AND ADJUDGED, FOR THE REASONS SET FORTH IN AN ACCOMPANYING MEMORANDUM OPINION, AS FOLLOWS:

1. Plaintiff Agudas Chasidei Chabad of United States' Motion for Entry of a Default Judgment against all Defendants is hereby GRANTED.
2. Defendants are Ordered to surrender to the United States Embassy in Moscow or to the duly appointed representatives of Plaintiff Agudas Chasidei Chabad of United States the complete collection of religious books, manuscripts, documents and things that comprise the "Library" and the "Archive" presently being held by the Defendants at the Russian State Library and the Russian State Military Archive or elsewhere, and Defendants are further directed to assist and authorize the transfer of the "Library" and the "Archive" to the United States Embassy in Moscow or to Plaintiffs appointed representatives and to provide whatever security and authorization is needed to insure prompt and safe transportation of the "Library" and "Archive" to a destination of Plaintiff's choosing.<sup>1</sup>

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<sup>1</sup> The "Library" includes those books, manuscripts, and other publications constituting the 5,619 titles in Chabad's copy of the surviving pre-Revolutionary catalogue of the "Library" enumerated in Attachment I to this Order, which is Levine Supp. Decl. ¶ 6, Ex. N, DC Document 69. The "Library" also includes the 4354 books being held by the Russian Federation at the RSL main library or at its storage facility in Chimki, Russia, which were identified by Rabbi Levine in July 2000 and marked with a sticker stating "Lubavitch collection" enumerated in Attachment II to this Order, which is Levine Decl. ¶ 2, DC Document 67. The "Library" further includes the 87 books at the RSL's "rare books" department which Rabbi Levine was able to identify in 1988, enumerated in Attachment III of this Order, which is Levine Supp. Decl. ¶ 7, Ex. O, DC Document 69. The "Library" also includes the 281 volumes of bound manuscripts which are located in the RSL's manuscript department's *Polyakov* collection, as identified by the card files of the RSL and by the photocopies made by the National Library of Israel. (Levine Supp. Decl. ¶ 8, Ex. P, DC Document 69.) The "Library" also includes the seven books provided to President William J. Clinton and Vice President Al Gore.

The "Archive" includes the books, manuscripts, and other things that are referenced in the certificate prepared by the Director of the RSMA, Vladimir N. Kouzelenkov, which describes the contents of the "Archive" and states they can be located in Fond 706/k at the RSMA, as stated in Attachment IV to this Order, which is Gerber Decl. ¶ 6, Ex. E, DC Document 67. The "Archive" also

3. Plaintiff shall report back to this Court within thirty (30) calendar days of the date of this Order, and advise the Court on the progress of securing a return of the “Library” and the “Archive,” including the condition of the Collection and the extent to which either the “Library” or the “Archive” have been compromised, if at all.
4. The Parties shall each bear their own costs of litigation, but all fees and costs associated with return of the “Library” and the “Archive” shall be born by Defendants alone.

SO ORDERED this 30th day of July, 2010.

  
ROYCE C. LAMBERTH  
U.S. DISTRICT COURT

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includes the books, manuscripts, and things which may be located in RSMA Fonds 707, 709, 717, 1325, and 1326, as confirmed by a guide of Jewish holdings of the RSMA titled *Dokumenty po istorii i kul'ture Evreev v trofeinykh kollekttsiakh Rossiiskogo gosudarstvennogo voennogo arkhiva Putevoditel'* (*Jewish Documentary Sources Among the Trophy Collections of the Russia Military Archives: A Guide*) / ed. V. N. Kuzelenkov, M.S. Kupovetskii, and David E. Fishman (Moscow, 2005, RSMA, Project Judaica), which states that the manuscripts and texts of the Sixth Rebbe can be found in RSMA Fonds 706k, 707k, and 1326k. (Levine Supp. Decl. ¶ 3, Ex. K, Document 69.)