

**UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA**

**AGUDAS CHASIDEI CHABAD OF  
UNITED STATES,**

**Plaintiff,**

**vs.**

**RUSSIAN FEDERATION; RUSSIAN  
MINISTRY OF CULTURE AND MASS  
COMMUNICATION; RUSSIAN  
STATE LIBRARY; and RUSSIAN  
STATE MILITARY ARCHIVE,**

**Defendants.**

**CASE NO. 1:05-CV-01548-RCL**

**PLAINTIFF’S STATEMENT REGARDING THE EXPIRATION OF THE STAY OF  
ENFORCEMENT OF THE JUDGMENT AND REQUEST FOR ISSUANCE OF  
CONTEMPT SANCTIONS**

Plaintiff Agudas Chasidei Chabad of United States (“Chabad”) hereby advises the Court of the following.

Chabad filed this action on November 9, 2004. Following nearly four years of active litigation between the parties, all defendants withdrew from this matter, explaining that “[t]he Russian Federation views any continued defense before this Court and, indeed, any participation in this litigation as fundamentally incompatible with its rights as a sovereign nation.” [71] On July 30, 2010, the Court entered a judgment in favor of Chabad after finding “[p]laintiff has met its burden of proving a *prima facie* case against defendants and has established its right to relief by evidence satisfactory to the Court.” *Agudas Chasidei Chabad v. Russian Fed’n*, 729 F. Supp. 2d 141, 148 (D.D.C. 2010). The Court simultaneously ordered defendants “to surrender ... the complete collection of religious books, manuscripts, documents and things that comprise the ‘Library’ and the ‘Archive.’” Order & Judgment, July 30, 2010 [80].

Thereafter, the Court issued an Order to Show Cause [102] in connection with Chabad's Motion for Civil Contempt Sanctions [92]. Defendants failed to respond to the Court's Order to Show Cause within 60 days. Chabad thereafter voluntarily requested two stays of enforcement of the judgment to create an atmosphere conducive to settlement negotiations [104, 105]. The stays expired on March 1, 2012 [105].

Chabad has made a good faith effort to negotiate with Defendants, including multiple meetings at the Russian Embassy in Washington, D.C. Unfortunately, Defendants have not complied with the Court's judgment. Nor have Defendants agreed to return any portion of the Collection as a result of diplomatic efforts or the foreign sovereign's generosity. On January 13, 2012, Russian Culture Minister Alexander Avdeyev announced at a press conference that "A constructive dialogue over the Schneerson Library will be possible only after the U.S. court reverses its decision and the claimant withdraws its lawsuit." Defendants' position is unacceptable.

Accordingly, Chabad respectfully requests that the Court enter an Order finding defendants Russian Federation, Russian State Library, Russian State Military Archive, and Russian Ministry of Culture and Mass Communication in contempt of court and issue a significant daily or weekly monetary sanction against each them for refusing to comply with the Court's judgment [80]. Chabad also intends to proceed with enforcement of the Court's judgment pursuant to 28 U.S.C. § 1610(a)(3), (b)(2), but will not seek to attach any art or objects of cultural significance subject to the immunity protections of 22 U.S.C. § 2459.

DATED: March 5, 2012

Respectfully submitted,

BINGHAM MCCUTCHEN, LLP

LEWIN & LEWIN, LLP

By /s/ Seth M. Gerber  
Marshall B. Grossman (*Pro Hac Vice*)  
Seth M. Gerber (*Pro Hac Vice*)  
The Water Garden, 1620 26th Street  
Fourth Floor, North Tower  
Santa Monica, CA 90404  
Telephone: (310) 907-1000

By /s/ Nathan Lewin  
Nathan Lewin  
(D.C. Bar No. 38299)  
Alyza D. Lewin  
(D.C. Bar No. 445506)  
1775 Eye Street, NW,  
Suite 850  
Washington, DC 20006  
Telephone: (202) 828-1000

*Attorneys for Plaintiff Agudas Chasidei Chabad of United States*