

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

AGUDAS CHASIDEI CHABAD OF	)	
UNITED STATES	)	
Plaintiff,	)	
v.	)	05-cv-1548 (RCL)
RUSSIAN FEDERATION, <i>et al.</i> ,	)	
Defendants.	)	

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**ORDER SOLICITING THE VIEWS OF THE UNITED STATES**

On July 30, 2010, the Court entered an order directing defendants the Russian Federation, the Russian Ministry of Culture and Mass Communication, the Russian State Library, and the Russian State Military Archive to “surrender to the United States Embassy in Moscow or to the duly appoint 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,” “assist and authorize the transfer of the ‘Library’ and the ‘Archive’ to the United States Embassy in Moscow or to plaintiff’s appointed representatives” and “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.” Order & Judgment, July 30, 2010 [80]. As of this date, both the Library and Archive remain in defendants’ possession, and the record provides no hint of evidence that defendants are attempting to comply with the Court’s order at this time.

Plaintiff moved for an order to permit enforcement of the judgment under 28 U.S.C.

1610(c). Pl's Mot. to Enforce Judgment and Permit Attachment, Apr. 4, 2011 [91]. In response to this motion, the United States filed a Statement of Interest on June 15, 2011 [97]. In its Statement, the United States requested that "any order authorizing attachment and execution makes clear that it cannot be used in an attempt to seize Russian cultural objects protected by" 22 U.S.C. § 2459. *Id.* at 5–6. This Court took note of the United States' request and in its Order permitting plaintiff to enforce its judgment held "that plaintiff may not attempt to attach or execute upon any property or interest belonging to defendants that constitutes art, artifacts, or other cultural objects subject to immunity under" section 2459. Order, Jul. 26, 2011, at 2 [101].

Plaintiff now asks this Court to impose civil sanctions against defendants based on their non-compliance with the judgment. Motion for Sanctions, Apr. 4, 2011 [92]. On July 26, 2011, this Court ordered defendants to show cause as to why they should not be found in contempt of court and why civil sanctions should not be entered against them. Order to Show Cause [102]. The 60-day time for defendants to respond has long since lapsed. Because of the serious impact such an order could have on the foreign policy interests of the United States, this Court finds that it would be helpful to obtain the views of the United States prior to acting on the motion for sanctions. Accordingly, it is hereby

ORDERED that in accordance with 28 U.S.C. § 517, within 20 days the United States is invited to file a brief stating its views on plaintiff's motion for sanctions; it is furthermore

ORDERED that the clerk shall send one copy of this order by mail to James D. Nelson, Trial Attorney, U.S. Department of Justice, Civil Division, Federal Programs Branch, 20 Massachusetts Avenue, NW Room 7226, and one copy by e-mail to james.d.nelson2@usdoj.gov.

SO ORDERED.

Signed by Royce C. Lamberth, Chief Judge, on May 23, 2012.