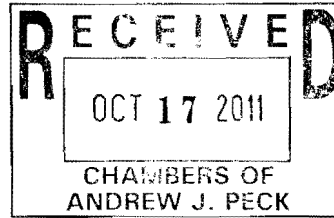


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DATE FILED: 10/19/11

FRANKFURT KURNIT KLEIN & SELZ PC



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Brian E. Maas  
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October 17, 2011

**Via Facsimile No. (212) 805-7933**

Hon. Andrew J. Peck  
United States Magistrate Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *The Export-Import Bank of the Republic of China v. Grenada,*  
06 Civ. 2469 (HJB) (AJP)

Dear Magistrate Judge Peck:

As counsel to the Government of Grenada, I am submitting to the Court the enclosed letter from Rohan A. Phillip, Attorney General of the Government of Grenada, requesting that the Court extend the October 17 deadline set in this Court's September 16, 2011 Order for Grenada to complete its document production and to provide an affidavit of complete compliance to November 17, 2011. As Attorney General Phillip explains, Grenada intends to comply fully with the Court's Order, the scope of which has been fully explained orally and in writing by counsel. However, as Attorney General Phillip, who has taken responsibility for coordinating the search for documents, including emails, relating to the Levera and Cinnamon 88 projects, further explains, the search for documents in all of the government agencies that could conceivably be in possession of responsive documents cannot be completed by October 17. In addition, Axel Phillip, a private citizen who has assisted the Grenadian government in its negotiations with the Cinnamon 88 and Levera developers but is not under the control of the Grenadian government, has indicated that he needs more time to consult legal counsel regarding any confidentiality that he may have to third parties.

As stated in his letter, Attorney General Phillip expects that Grenada will be able to complete its document production and provide an affidavit of compliance no later than November 17 and requests that the Court extend the deadline for compliance by the Government of Grenada to that date.

FRANKFURT KURNIT KLEIN & SELZ PC

Hon. Andrew J. Peck  
October 17, 2011  
Page -2-

Please let me know if the Court needs any further information.

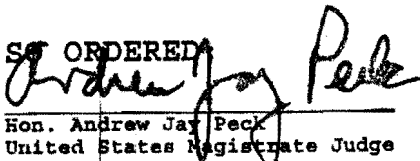
Respectfully submitted,

  
Brian E. Maas

BEM:mew  
Enclosure  
cc: Paul Summit, Esq. (via email)

*Extension Granted 10/19/11*

**MEMO ENDORSED**

**SO ORDERED**  
  
Hon. Andrew Jay Peck  
United States Magistrate Judge

Hereto  
in reply to the above  
Number and date of the  
letter should be stated.



ATTORNEY GENERAL'S CHAMBERS  
MINISTRY OF LEGAL AFFAIRS  
"COMMUNAL HOUSE"  
414 H.A. BLAIZE STREET  
ST. GEORGE'S  
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Phone: (173) 335 2962, 2963  
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14<sup>th</sup> October, 2011

Hon. Andrew J. Peck  
United States Magistrate Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Dear Magistrate Judge Peck,

Re: *The Export-Import Bank of the Republic of China v. Grenada,*  
06 Civ. 2469 (HB) (AJP)

I make this statement on behalf of the Government of Grenada further to the Order of the Court dated September 16, 2011 directing Grenada to complete its document production, as ordered at the August 10, 2011 conference, and also to provide an affidavit of complete compliance by October 17, 2011. Grenada has indeed been advised by its Counsel both orally and by memorandum dated October 5, 2011, as to the full scope of the obligation created by the said Court's Order. As set out below, the Government of Grenada requests an additional thirty days in order to satisfy the Court's Order.

I have taken responsibility for coordinating the search for documents, including emails, relating to the Levera and Cinnamon 88 projects. At the time the Order of the Court was given and immediately thereafter, a number of Ministers were out of the State on official business and in particular both the Honourable V. Nazim Burke, Minister for Finance and the Honourable Tillman Thomas, Prime Minister and Minister for Legal Affairs were in Washington and New York attending *inter alia* the World Bank and United Nations General Assembly meetings, respectively. I too was required to travel to Saint Lucia to attend the 20<sup>th</sup> Legal Affairs Committee Meeting of the Organisation of the Eastern Caribbean States (OECES) from October 5 - 7, 2011, which has hampered my efforts in gathering the information to fully comply with the Court's Order to date.


On September 26, 2011, upon resumption of the meetings of the Cabinet of Grenada, I informed the Cabinet of the present status of the captioned matter and the imperative to have a search conducted at their respective Ministries to provide me with any further documentations including emails which may be in their possession in respect of the Levera and Cinnamon 88 projects. I have since followed up that request by a memorandum addressed to all Permanent Secretaries within the Government of Grenada requesting that the said information be provided to me (a copy of the said memorandum is attached hereto).

I have also passed on the Court's Order and the explanatory memorandum from our Counsel to Axel M. Fischer. Mr. Fischer is not a Grenada citizen nor he resides in Grenada; in addition, he is not an employee of the State of Grenada nor is he a public functionary, although the Government has conferred on him the honorary title of Ambassador-at-large. The assistance he provides to the Government of Grenada is on a strictly voluntary basis and as such he is not bound by instructions. Ambassador Fischer does not reject in principle to cooperate but he is seeking at present legal counsel about the issue of non-disclosure and confidentiality to which he is bound regarding third parties involved. In addition, the documents which he may have, are of no material importance, since he had never any decision making function, nor he was never vested with the power of entering in any commitment for the Government.

To date we have had responses from four (4) Ministries of Government and while Grenada intends to fully comply with the Court's Order, the search for documents in all of the Ministries is proving to be quite cumbersome and cannot be completed by October 17, 2011. I expect that Grenada will be able to complete its document production and provide an affidavit of compliance no later than November 17, 2011 and request that the Court extend the deadline for compliance by the Government of Grenada to that date. Government is ready to meet the order of the Court and is actually working on it, but Government has reservations regarding the position and demands of the Plaintiff and its handling of the case and as a consequence reserves the right to address this issue at the appropriate time.

Finally I wish to advise that the \$10,000.00 sanction was indeed paid to Plaintiff's Counsel in compliance with the Court Order.

Respectfully submitted,

  
Rohan Phillip  
ATTORNEY GENERAL

**GOVERNMENT OF GRENADA**

**MEMORANDUM**

**FROM:** PERMANENT SECRETARY - MINISTRY OF LEGAL AFFAIRS

**TO:** ALL PERMANENT SECRETARIES

**REF. NO.** LA 141-31

**DATE:** 11<sup>th</sup> OCTOBER, 2011

**SUBJECT:** **THE EXPORT-IMPORT ("EXIM") BANK OF THE REPUBLIC OF CHINA V. GRENADA**

As you may be aware, the Government of Grenada has been sued by EXIM Bank for a judgment debt.

We have been ordered by the Court to provide discovery of all correspondence pertaining, in particular, to transactions involving Cinnamon 85 (Grenada) Developments Ltd. (Hog Island Resort Project) and Levera Development Project. This discovery involves all e-mails, agreements, letters etc. This disclosure needs to be provided no later than Monday, 17<sup>th</sup> October, 2011.

As a matter of urgency, we shall be grateful if you would cause a search to be made by your Ministry and also enquire of your Minister regarding any communication with developers or their representatives and make available no later than Thursday, October 13, 2011.

We understand that the notice is short but it is imperative that we comply as failure to provide disclosure will result in Grenada being sanctioned for contempt of Court.

Your usual cooperation and understanding is anticipated.

*Glenna Knights*  
 Glenna Knights (Mrs.)  
**PERMANENT SECRETARY (Ag.)**

10/17/2011 11:24 FAX 12127581954