

EXHIBIT A

13-495-cv(L)

13-545-cv(CON)

United States Court of Appeals

FOR THE SECOND CIRCUIT

Docket Nos. 13-495-cv(L); 13-545-cv(CON)



THAI-LAO LIGNITE (THAILAND) CO. LTD.,
HONGSA LIGNITE (LAO PDR) CO. LTD.,

Petitioners-Appellees,

(Caption continued on inside cover)

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

**BRIEF FOR THE UNITED STATES OF AMERICA AS
AMICUS CURIAE IN SUPPORT OF REVERSAL**

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—v.—

GOVERNMENT OF THE LAO PEOPLE'S DEMOCRATIC REPUBLIC,

Respondent-Appellant,

BANK OF THE LAO PEOPLE'S DEMOCRATIC REPUBLIC,

Intervenor-Appellant.

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—v.—

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DEMOCRATIC REPUBLIC,

Respondent-Appellant,

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BRIEF FOR THE UNITED STATES OF AMERICA AS
AMICUS CURIAE IN SUPPORT OF REVERSAL

Interest of the United States

Pursuant to 28 U.S.C. § 517 and Rule 29(a) of the Federal Rules of Appellate Procedure, the United States respectfully submits this *amicus curiae* brief in support of reversal of the order entered by the United States District Court for the Southern District of New York (Wood, *J.*) on February 11, 2013, affirm-

ing multiple discovery orders issued by the magistrate judge.

This matter concerns efforts by Thai-Lao Lignite (Thailand) Co. Ltd. and Hongsa Lignite (Lao PDR) Co. Ltd. (together, "Thai-Lao and Hongsa") to satisfy a foreign arbitral award against the Government of the Lao People's Democratic Republic (the "Lao Government") that was previously confirmed by the district court. In its February 11, 2013 order, the district court approved the extensive post-judgment discovery ordered by the magistrate judge concerning (1) United States bank accounts used to support the diplomatic functions of the embassy and United Nations ("U.N.") mission of the Lao Government; and (2) United States bank accounts held by the Bank of the Lao People's Democratic Republic (the "Lao Central Bank"). In doing so, the district court held that neither the Vienna Convention on Diplomatic Relations, Apr. 18, 1961, 23 U.S.T. 3227, T.I.A.S. 7502 ("VCDR"), nor the Foreign Sovereign Immunities Act, 28 U.S.C. § 1602 *et seq.* ("FSIA"), shielded the Lao Government's diplomatic accounts or the Lao Central Bank accounts from discovery. The Lao Government and Lao Central Bank have appealed the district court's rulings.

The United States participates in this case as *amicus curiae* in support of reversal based on its strong interest in the proper interpretation of both the VCDR and applicable international agreements governing the presence of the U.N. in the United States. In addition, the United States has an interest in ensuring the proper application of the provisions of

the FSIA that provide special immunity for central bank funds. The district court's order inappropriately circumscribes the immunity afforded to the property of foreign diplomatic missions under the VCDR and to foreign central banks under the FSIA. If affirmed, the district court's order would have adverse consequences for U.S. foreign policy, would negatively affect U.S. diplomatic and financial interests abroad, and could have an adverse impact on the U.S. economy and the global financial system.

As explained below, the VCDR shields the Lao Government's diplomatic bank accounts from attachment and discovery. The district court incorrectly held that the Lao Government's diplomatic funds are subject to discovery and possible attachment under the FSIA because a portion of them are being used for "commercial activities." Funds used for commercial transactions that are related to the functioning of diplomatic missions, however, are not subject to attachment or execution under the VCDR. Article 25 of the VCDR obliges the United States to provide "full facilities" to the diplomatic missions of foreign states, and courts have interpreted this provision to provide immunity from attachment to bank accounts used for diplomatic purposes. The declaration submitted by a high-ranking Lao Government diplomatic agent, to which the district court gave insufficient weight, establishes that the funds subject to the district court's discovery order are used for diplomatic purposes, even if those purposes at times involve transactions that could be characterized as commercial. It is the use of funds for diplomatic purposes that is the

touchstone for determining whether those funds are immune from attachment under the VCDR.

The district court also erred in applying this Court's interpretation of the scope of the FSIA in *EM Ltd. v. Republic of Argentina*, 695 F.3d 201 (2d Cir. 2012), to conclude that while the VCDR may shield some property from attachment, it does not preclude discovery concerning such property. In *EM Ltd.*, this Court held that where a district court already has jurisdiction over a foreign sovereign, it is empowered to order discovery relevant to enforcing a judgment against that sovereign, even if the sovereign assets discovered ultimately may not be subject to attachment under the FSIA. *Id.* at 209. But *EM Ltd.* is inapposite, as the FSIA does not affect the nature or scope of diplomatic immunity under the VCDR. In addition to the "full facilities" that the VCDR obligates the United States to provide to the diplomatic missions of foreign states under Article 25, the VCDR shields diplomatic agents from their host states' civil jurisdiction and provides them with testimonial immunity (Article 31); shields embassy administrative and technical staff from their host states' civil jurisdiction for acts performed within "the course of their duties" and provides them with testimonial immunity (Article 37); renders the archives and documents of foreign diplomatic missions "inviolable" (Article 24); and renders the official correspondence of foreign diplomatic missions "inviolable" (Article 27). It is clear from these articles that the VCDR prohibits discovery against a foreign state concerning diplomatic property.

If affirmed, the district court's order would give rise to a host of adverse foreign policy consequences for the United States. The Court should defer to the Executive Branch's interpretation of the United States' international obligations under the VCDR, as well as its assessment of the foreign policy consequences of failing to meet those obligations. Deference is particularly appropriate with respect to the VCDR, because the United States and the Lao Government agree on the interpretation of the treaty, and that interpretation flows from the treaty's clear language.

The United States also has an interest in protecting foreign governments from intrusive discovery targeted at central bank accounts given the many foreign central banks that hold reserves in accounts in the United States. The Lao Central Bank's accounts are protected from discovery by FSIA § 1611(b)(1). In holding otherwise, the district court misapplied this Court's decision in *NML Capital, Ltd. v. Banco Central de la Republica Argentina*, 652 F.3d 172 (2d Cir. 2011), *cert. denied*, 133 S. Ct. 23 (2012), by focusing on the possibility that certain funds held by the Lao Central Bank belong to the Lao Government. But *NML Capital* correctly held that central banks need not be formally independent from their parent governments in order for § 1611(b)(1) immunity to apply, and that immunity also applies to funds held by central banks that are the property of the foreign state. *Id.* at 189. Under *NML Capital*, the dispositive question is not who "owns" the funds in question, but whether the funds are used for traditional central banking functions. *Id.* at 194. Here, a declaration

from a Lao Central Bank official was sufficient to establish a presumption that the Lao Central Bank's funds are used for traditional central banking functions, and thus immune from attachment and protected from discovery. Because petitioners failed to rebut this presumption by presenting any evidence that the funds were being used for other purposes, the district court's discovery order was inappropriate and failed to accord the Lao Central Bank the immunity to which it is entitled under the FSIA.

Statement of Facts

This case arises out of a November 2009 award issued by an arbitral tribunal seated in Malaysia in favor of Thai-Lao and Hongsa against the Lao Government.¹ (A 66). The district court entered an order confirming the award on August 3, 2011.² (A 126). Thai-

¹ Citations to the Appendix are in the form "A__." Citations to the Lao Government's principal brief on appeal dated May 10, 2013 (Dkt. No. 205) are in the form "Lao Gov't Br. at __." Citations to the Lao Government's motion in support of a stay pending appeal dated February 19, 2013 (Dkt. No. 41) are in the form "Lao Gov't Stay Br. at __."

² The arbitral award was subsequently set aside by a Malaysian court in December 2012 (A 1164, 1169), and the Lao Government moved to vacate the district court's confirmation of the award in February 2013. (A 1161). As of the date of this brief, the Lao Government's motion to vacate is still pending before the district court.

Lao and Hongsa have sought extensive discovery related to their efforts to satisfy the award, and the magistrate judge assigned to this matter has issued several rulings approving Thai-Lao and Hongsa's discovery demands over the Lao Government's objections. The district court's February 11, 2013 order upheld the magistrate judge's discovery rulings.

A. The Discovery Demands and the Magistrate Judge's Rulings

Prior to confirmation of the award, Thai-Lao and Hongsa sought discovery concerning property or assets held by the Lao Government in the United States. By order dated April 4, 2011, the magistrate judge directed the Lao Government to produce records relating to U.S. bank accounts that it maintained. (A 119-20). The Lao Government objected to the magistrate judge's order on the ground that the discovery sought, which implicated bank accounts used solely for diplomatic purposes, would violate the immunity provisions of the FSIA and VCDR. (A 169). On September 13, 2011, the district court rejected the Lao Government's arguments, imposed sanctions against the Lao Government for failing to comply with the magistrate judge's order, and directed that discovery proceed. (A 167).

According to the Lao Government, following the district court's September 13, 2011 order, the Lao Government produced two years' worth of records relating to U.S. bank accounts used by its embassy and U.N. mission to support their diplomatic functions, including checks and check register entries showing

how the diplomatic funds were spent. Lao Gov't Br. at 10. Thai-Lao and Hongsa then sought deposition testimony from Lao Government officials. (A 1026-31). In response, the Lao Government requested a protective order from the magistrate judge. (A 1033). In support of its request, the Lao Government submitted under seal a declaration from Thongmoon Phongphilath (the "Thongmoon Declaration"), a diplomatic agent serving as First Secretary at the Embassy of the Lao Government in the United States. As explained by the Lao Government, the Thongmoon Declaration attested to the funds' use for diplomatic purposes such as maintaining the embassy and U.N. mission facilities, paying rent on those facilities, paying staff, providing necessary amenities for staff and visiting dignitaries, procuring office supplies, and paying for telephone and internet service. Lao Gov't Br. at 10-11.

By order dated November 26, 2012, the magistrate judge denied the Lao Government's request for a protective order (A 958), and on December 17, 2012, she denied the Lao Government's request for a stay of discovery to allow it to oppose the ruling before the district court. (A 985). Mr. Thongmoon was subsequently deposed over the course of two days, and after the deposition, Thai-Lao and Hongsa sought either further deposition testimony from Mr. Thongmoon or further records concerning the Lao Government's diplomatic accounts. Lao Gov't Stay Br., Ex. K. Among other things, Thai-Lao and Hongsa sought additional bank account statements, monthly financial reports sent from the embassy and U.N. mission to the Lao Government, and yearly funding proposals

sent from the embassy and U.N. mission to the Lao Government. *Id.*

Thai-Lao and Hongsa also sought discovery concerning the Lao Central Bank's U.S. bank accounts. In an order dated May 29, 2012, the magistrate judge directed the Lao Government to produce several categories of records, including records concerning the Lao Central Bank's U.S. bank accounts; the Lao Government's access to the Lao Central Bank's U.S. accounts; and any payments to be made out of the Lao Central Bank's U.S. accounts to the Lao Government over the next year. (A 498). The Lao Government responded by stating that it had no knowledge of or access to the Lao Central Bank's U.S. accounts. (A 646). Thai-Lao and Hongsa objected, and the magistrate judge issued a subsequent order dated July 20, 2012, directing the Lao Government to either (1) obtain responsive records from the Lao Central Bank, or (2) submit a sworn affidavit from a Lao Government official in support of the claim that the Lao Government had no knowledge of or control over funds held in the Lao Central Bank's U.S. accounts. (A 594). The Lao Government sought a stay of this discovery order pending a challenge in the district court, which the magistrate judge denied on July 31, 2012. (A 598). On August 3, 2012, the Lao Central Bank moved to intervene in this matter (A 602), and on August 6, 2012, it objected to the magistrate judge's rulings insofar as they imposed discovery obligations on the Lao Central Bank (A 721-22).

B. The District Court's February 11, 2013 Order

In its February 11, 2013 order, the district court upheld the magistrate judge's discovery rulings. (A 1128). The district court determined that the diplomatic accounts might be attachable under the FSIA, and thus susceptible to discovery, based on its understanding that the Thongmoon Declaration, as well as bank records regarding the diplomatic accounts, indicated that the accounts had been used for what the magistrate judge had characterized as "a wide array of commercial transactions." (A 1153 (quoting magistrate judge's November 26, 2012 order)). Furthermore, relying on this Court's decision in *EM Ltd.*, the district court rejected the Lao Government's claim that the FSIA shields its diplomatic accounts from discovery, holding instead that "[p]etitioners are entitled to discovery regarding those accounts regardless of whether or not they are ultimately attachable" because the district court had established subject matter jurisdiction over the Lao Government.³ (A 1155).

³ In *EM Ltd.*, this Court disagreed with the Seventh Circuit's decision in *Rubin v. Islamic Republic of Iran*, which held that "under the FSIA a plaintiff seeking to attach the property of a foreign state in the United States must identify the specific property that is subject to attachment and plausibly allege that an exception to § 1609 attachment immunity applies. If the plaintiff does so, discovery in aid of execution is limited to the specific property the plaintiff has identified." 637 F.3d 783, 799 (7th Cir. 2011). In doing so, the Seventh Circuit adopted a position similar to that

The district court also rejected the Lao Government's argument that the VCDR prohibited discovery concerning the diplomatic accounts, finding that "the concerns animating the Second Circuit's opinion in *EM* seem equally applicable in this context: once the Court has jurisdiction over a foreign sovereign, the Court may order discovery as it would over any other

advocated by the United States as *amicus curiae* in *Rubin*, and which the United States recently reiterated to the Supreme Court in *Rubin v. Islamic Republic of Iran*, No. 11-431 (S. Ct.). Specifically, the United States took the position that even where a foreign state is subject to suit under the FSIA, its property is presumptively immune from attachment or execution. Accordingly, before discovery is permitted against a foreign state, the court should require the judgment creditor to demonstrate that the proposed discovery is directed toward assets for which there is a reasonable basis to believe that an exception to immunity applies. On April 15, 2013, the Supreme Court requested the views of the Solicitor General in *EM Ltd.*, now captioned *Republic of Argentina v. NML Capital Ltd.*, No. 12-842 (S. Ct.), and the United States intends to file a brief in that matter that fully sets forth its position on the important issues raised by *EM Ltd.* Notwithstanding *EM Ltd.*, however, as explained in Point I below, the district court's discovery order with respect to the Lao Government's diplomatic accounts was incorrect because those accounts are immune from discovery under the VCDR.

defendant,” regardless of whether the diplomatic bank accounts are “ultimately attachable.” (A 1156).

The district court also rejected the Lao Government’s and Lao Central Bank’s objections to discovery concerning the Lao Central Bank’s U.S. accounts. Stating that the Court’s holding in *EM Ltd.* foreclosed the Lao Government’s sovereign immunity objections to such discovery, the district court held that because it had already established its jurisdiction over the Lao Government, “discovery may proceed as broadly as it would in a typical post-judgment context without regard to immunity issues.” (A 1143). With respect to the Lao Central Bank, the district court noted that discovery must be ordered “circumspect[ly]” because, unlike the Lao Government, the Lao Central Bank had not waived its sovereign immunity, and because Lao Central Bank funds held for its own account are immune from attachment under § 1611(b)(1). (A 1147-49). Nonetheless, the district court determined that Thai-Lao and Hongsa could compel production of documents concerning the Lao Central Bank’s accounts because the Lao Central Bank had not conclusively established that the funds in the accounts did not belong to the Lao Government. (A 1150).

Both the Lao Government and the Lao Central Bank appealed the district court’s February 11, 2013 order. (A 1177, 1220).

ARGUMENT**POINT I****The Lao Government's Diplomatic Accounts and Diplomatic Personnel Are Entitled to Immunity****A. The VCDR Shields the Lao Government's Diplomatic Accounts from Attachment and Discovery**

The VCDR governs the relationship between a sending state (here, Laos) and receiving state (here, the United States) with respect to the operation of the sending state's diplomatic mission, and affords certain privileges and immunities to embassies and diplomatic agents. These protections also extend to U.N. missions. *See* Agreement Between the United Nations and the United States Regarding the Headquarters of the United Nations, art. V, § 15, June 26, 1947, T.I.A.S. 1676 (U.N. representatives will be entitled to the same privileges and immunities as the United States accords to diplomatic envoys); Convention on Privileges and Immunities of the United Nations, art. IV, § 11(g) (member state representatives to the U.N. will receive the same privileges and immunities as diplomatic envoys); *accord* 767 *Third Ave. Assocs. v. Permanent Mission of the Republic of Zaire*, 988 F.2d 295, 298 (2d Cir. 1993) (applying VCDR to define protection afforded to U.N. permanent mission). In particular, as relevant here, the Lao Government's diplomatic bank accounts, both its embassy and U.N. mission bank accounts, are entitled to the protections set forth in the VCDR. These protec-

tions shield the accounts from attachment and discovery.

The district court offered two rationales in support of its holding that the VCDR did not preclude discovery on the Lao Government's diplomatic accounts. First, the district court concluded that the funds might be subject to attachment (and thus also to discovery) because they were used for commercial activities. (A 1156-57). Second, applying the FSIA analysis in *EM Ltd.* to the VCDR context, the district court concluded that the fact that the diplomatic accounts might be immune from attachment did not render them immune from discovery. (A 1156). Both rationales are erroneous.

1. The VCDR Protects Diplomatic Property Used for Commercial Transactions That Are Related to Diplomatic Functions

The district court's characterization of the Lao Government's diplomatic accounts as being used for commercial activities, and thus subject to potential attachment, substitutes the scope of protection afforded by the FSIA for the distinct protections provided by the VCDR. Under the FSIA, the property of a foreign state may be subject to attachment or execution to satisfy a judgment if the property is both "in the United States" and "used for a commercial activity in the United States." 28 U.S.C. § 1610(a). But Congress enacted the FSIA "[s]ubject to existing international agreements to which the United States is a party," 28 U.S.C. § 1609, and the FSIA therefore does not circumscribe the broad protections and im-

munities conferred by the VCDR, *see* H.R. Rep. No. 94-1487, at 12 (1976), *as reprinted in* 1976 U.S.C.C.A.N. 6604, 6630 (FSIA is “not intended to affect either diplomatic or consular immunity”); *id.* at 23 (noting that, even following the enactment of the FSIA, “if a plaintiff sought to depose a diplomat in the United States or a high-ranking official of a foreign government, diplomatic and official immunity would apply”). Put simply, the FSIA exceptions to immunity from attachment are “inapplicab[le]” to an analysis of the validity of attachment where an international agreement such as the VCDR provides immunity. *767 Third Ave. Assocs.*, 988 F.2d at 297.

Under Article 25 of the VCDR, “[t]he receiving State shall accord full facilities for the performance of the functions of the mission.” Accordingly, the standard for determining whether a diplomatic bank account is immune from attachment under the VCDR is not whether that account is used for commercial activities, but rather whether such immunity is necessary to ensure the “full facilities” to which the diplomatic mission of the sending state is entitled. VCDR, art. 25; *see also id.*, Preamble (explaining that the privileges and immunities conveyed by the VCDR are meant “to ensure the efficient performance of the functions of diplomatic missions”). Although no appellate court has reached this question, numerous district courts (most of which are in this Circuit) have concluded that according “full facilities” to a diplomatic mission includes providing immunity from execution or attachment on embassy or mission bank accounts that are used for diplomatic purposes, because such bank accounts are critical to the functioning of a

diplomatic mission. *See, e.g., Avelar v. J. Cotoia Const., Inc.*, 11-CV-2172 (RMM)(MDG), 2011 WL 5245206, at *4 (E.D.N.Y. Nov. 2, 2011) (“Bank accounts used for diplomatic purposes are immune from execution under [Article 25], as facilities necessary for the mission to function.”); *Sales v. Republic of Uganda*, 90 Civ. 3972 (CSH), 1993 WL 437762, at *1 (S.D.N.Y. Oct. 23, 1993) (“It is well settled that a foreign state’s bank account cannot be attached if the funds are used for diplomatic purposes.”); *Foxworth v. Perm. Mission of the Republic of Uganda to the United Nations*, 796 F. Supp. 761, 763 (S.D.N.Y. 1992) (holding that “attachment of defendant’s bank account is in violation of the United Nations Charter and the [VCDR] because it would force defendant to cease operations”); *Liberian Eastern Timber Corp. v. Gov’t of the Republic of Liberia*, 659 F. Supp. 606, 608 (D.D.C. 1987) (“The Liberian Embassy lacks the ‘full facilities’ the Government of the United States has agreed to accord if, to satisfy a civil judgment, the Court permits a writ of attachment to seize official bank accounts used or intended to be used for purposes of the diplomatic mission.”).

Indeed, the VCDR acknowledges that diplomatic staff will engage in commercial activities as part of their official duties without losing immunity for such activities. *See* VCDR, art. 31(1)(c) (providing that a diplomatic agent shall be immune from the civil jurisdiction of the receiving state “except in the case of . . . an action relating to any . . . commercial activity exercised by the diplomatic agent in the receiving State *outside his official functions*” (emphasis added)); *Tabion v. Mufti*, 73 F.3d 535, 538-39 (4th Cir.

1996) (“commercial activity” refers to “the pursuit of trade or business activity” unrelated to diplomatic mission); *Swarna v. Al-Awadi*, 622 F.3d 123, 139 (2d Cir. 2010) (“*Tabion* articulates the scope of acts as they relate to the term ‘commercial activity’ under Article 31(1)(c) for sitting diplomats.”). Clearly, to the extent the Lao Government uses its diplomatic accounts to purchase office supplies and telephone and internet services, as well as to pay rent on the facilities that house its embassy and U.N. mission, such use is not commercial activity outside the official functions of the diplomatic staff, but rather is in connection with the performance of the functions of the mission.

Thus, absent evidence that the accounts were being used for activities unrelated to the Lao Government’s diplomatic mission, there was no basis for the district court to conclude that the diplomatic accounts were arguably exempt from the VCDR’s immunity provisions. Courts that have addressed the “full facilities” provision of VCDR Article 25 have routinely relied on sworn affidavits submitted by mission officials attesting that the accounts at issue were used for the functioning of the mission. *See, e.g., Avelar*, 2011 WL 5245206, at *4 (“A sworn statement from the head of mission is sufficient to establish that a bank account is used for diplomatic purposes.”); *Sales*, 1993 WL 437762, at *2 (reliance on mission head’s affidavit, rather than “painstaking examination of the Mission’s budget and books of account,” is consistent with principle of diplomatic immunity); *Foxworth*, 796 F. Supp. at 762 (relying on declaration to describe nature and purpose of accounts); *Liberian Eastern Tim-*

ber Corp., 659 F. Supp. at 610 (same). Here, the Thongmoon Declaration submitted by the Lao Government was more than sufficient to establish the diplomatic nature of the accounts. As the magistrate judge observed in her November 26, 2012 order, the Thongmoon Declaration “states that the accounts in question are used for the purpose of maintaining the diplomatic functions of the Embassy and Mission, that any commercial transactions with third parties reflected in account statements were ancillary to that purpose, and that it would be ‘difficult, and perhaps impossible’ for the Embassy and Mission to function if the accounts were under threat of attachment.” (A 961). The district court credited the magistrate judge’s summary of the Thongmoon Declaration’s contents, including Mr. Thongmoon’s assertion of the substantial difficulties that the threat of attachment would place on the diplomatic mission’s ability to function. (A 1153). Accordingly, the Thongmoon Declaration should have foreclosed any discussion of the “commercial” nature of the Lao Government’s diplomatic accounts. Applying the appropriate VCDR standard, the accounts are entitled to immunity.

2. The VCDR Immunizes a Foreign Mission from Discovery and Precludes Testimony from Diplomatic Agents and Staff

The district court’s conclusion that the Lao Government is subject to discovery regarding its embassy and U.N. mission accounts even if those accounts might be immune from attachment is likewise mistaken. In its opinion, the district court noted that “the concerns animating the Second Circuit’s opinion in

EM seem equally applicable in this context: once the Court has established jurisdiction over a foreign sovereign, the Court may order discovery as it would over any other defendant.” (A 1156). But there is no basis for extending *EM Ltd.*’s holding to discovery relating to diplomatic property that is otherwise protected by the VCDR. At the threshold, as discussed above, the FSIA does not circumscribe the protections afforded by the VCDR. Moreover, the Court’s holding in *EM Ltd.* rested on its determination that post-judgment discovery did not implicate the FSIA because it did not affect the foreign state’s immunity from attachment. 695 F.3d at 208. Thus, once subject matter jurisdiction was established under the FSIA, a district court “could exercise its judicial power over [the foreign state] as over any other party, including ordering third-party compliance with the disclosure requirements of the Federal Rules.” *Id.* at 209.

There are several provisions of the VCDR, however, that provide immunity from the types of discovery allowed by the district court in this case. *Cf. Liberian Eastern Timber Corp.*, 659 F. Supp. at 610 n.5 (in light of the VCDR’s provisions, it would be “a difficult task at best” to obtain discovery regarding diplomatic accounts). VCDR Article 31 provides that diplomatic agents “enjoy immunity from [the receiving state’s] civil and administrative jurisdiction” and may not be compelled “to give evidence as [] witness[es].” Indeed, under Article 31, “[s]itting diplomats are accorded near-absolute immunity in the receiving state to avoid interference with the diplomat’s service for his or her government.” *Swarna*, 622 F.3d at 137. VCDR Article 37 extends those same protections to adminis-

trative and technical staff, who are immune from the receiving state's civil jurisdiction for acts performed within "the course of their duties," and may not be compelled to give evidence as witnesses. *See Vulcan Iron Works, Inc. v. Polish Am. Machinery Corp.*, 472 F. Supp. 77, 79-80 (S.D.N.Y. 1979) (VCDR protects administrative and technical staff, and "[t]hus, their failure to appear for depositions in response to the plaintiffs' subpoenas was excusable"). Thai-Lao and Hongsa's attempts to compel deposition testimony from Lao diplomats, or administrative and technical staff of the Lao embassy, are in direct conflict with VCDR articles 31 and 37.

Additionally, VCDR Article 24 provides that the archives and documents of the mission are "inviolable." According to a leading diplomatic law expert, "the expression 'inviolable' was deliberately chosen by the International Law Commission to convey both that the receiving State must abstain from any interference through its own authorities and that it owes a duty of protection of the archives in respect of unauthorized interference by others." Eileen Denza, *Diplomatic Law: Commentary on the Vienna Convention on Diplomatic Relations* 192 (3d ed. 2008); *see also 767 Third Ave. Assocs.*, 988 F.2d at 300 (concluding that the VCDR "was intended to and did provide for the inviolability of mission premises, archives documents, and official correspondence," and that the VCDR "recognized no exceptions to mission inviolability"). Compelled production of financial and operational records from the Lao Government's embassy and U.N. mission conflicts with this provision; so too would compelled production of documents more re-

cently sought by Thai-Lao and Hongsa, such as written reports prepared by the embassy and U.N. mission for the Lao Government concerning finances and accounts, and yearly proposals made to the Lao Government for funding.

Similarly, VCDR Article 27 provides for the inviolability of official correspondence of the mission. Insofar as the discovery sought by Thai-Lao and Hongsa seeks correspondence concerning diplomatic funds between the embassy and U.N. mission and the Lao Government, *see* Lao Gov't Stay Br., Ex. K., it could compromise the ability of the embassy and U.N. mission to carry out their functions in confidence, thus implicating the United States' obligation to "permit and protect free communication on the part of the mission for all official purposes" and to ensure the inviolability of the mission's official correspondence. VCDR, art. 27(1)-(2); *see also* Denza, *Diplomatic Law* at 211 ("Free and secret communication between a diplomatic mission and its sending government is from the point of view of its effective operation probably the most important of all the privileges and immunities accorded under international diplomatic law."). The district court's perfunctory rejection of the VCDR as a basis for immunity from discovery failed to account for these provisions, instead employing a commercial activity test that has no applicability and that led to an incorrect result.

The Court should defer to the Executive Branch's interpretation of the VCDR. *Abbott v. Abbott*, 560 U.S. 1, 130 S. Ct. 1983, 1993 (2010) ("It is well settled that the Executive Branch's interpretation of a treaty

is entitled to great weight.” (citation and internal quotation marks omitted)). That is particularly true where, as here, the Executive’s interpretation of the VCDR is agreed to by other parties to the treaty—in this case, the Lao Government—and flows from the treaty’s clear language. *See id.* at 1993-95; *Sumitomo Shoji Am., Inc. v. Avagliano*, 457 U.S. 176, 184-85 (1982); *see also* Lao Gov’t Br. at 28-38 (setting forth Lao Government’s interpretation of the VCDR).

B. The District Court’s Order Would Have an Adverse Effect on the United States’ Foreign Policy

The district court’s February 11, 2013 order would have several adverse consequences for U.S. foreign policy. For example, by subjecting the property of diplomatic missions to wide-ranging discovery and the threat of potential attachment, the district court’s order makes it exceedingly difficult for those missions to plan for and carry out their day-to-day operations, thereby straining the United States’ bilateral relationships and its relationships with the U.N. and its member state missions.

Moreover, the United States has a strong interest in promoting reciprocity with respect to the treatment of its own diplomatic missions abroad. *See Boos v. Barry*, 485 U.S. 312, 323 (1988) (respecting diplomatic immunity “ensures that similar protections will be accorded those that we send abroad to represent the United States”). Applied reciprocally, the district court’s order would permit discovery into (and foreign judicial scrutiny of) sensitive communications dis-

cussing operational details of the United States' foreign missions, as well as the compulsion of testimony from United States diplomats and other diplomatic staff overseas, all of which the United States would vigorously oppose. The unique nature of U.S. discovery counsels in favor of U.S. courts treading carefully in this area, where the United States typically is not subject to this kind of judicial action abroad. The Executive Branch's assessment of the foreign policy consequences of the district court's February 11, 2013 order is entitled to deference. *Khulumani v. Barclay Nat'l Bank Ltd.*, 504 F.3d 254, 261 n.9 (2d Cir. 2007).

POINT II

FSIA Section 1611(b)(1) Protects the Lao Central Bank's Accounts From Discovery

The FSIA, which establishes a comprehensive and exclusive scheme for obtaining and enforcing judgments against a foreign state in civil cases in U.S. courts, *see generally Argentine Republic v. Amerada Hess Shipping Corp.*, 488 U.S. 428, 434-35 (1989), includes a specific provision immunizing foreign central banks from attachment and execution. Section 1611(b)(1) of the FSIA provides that "the property of a foreign state shall be immune from attachment and from execution, if—(1) the property is that of a foreign central bank or monetary authority held for its own account." This provision recognizes that "foreign central banks are not treated as generic agencies and instrumentalities of a foreign state under the FSIA; they are given special protections befitting the particular sovereign interest in preventing the attach-

ment and execution of central bank property.” *NML Capital*, 652 F.3d at 188 (citation and internal quotation marks omitted). Furthermore, this Court has acknowledged that this protection extends to discovery. *Id.* at 194 (“FSIA immunity is immunity not only from liability, but also from the costs, in time and expense, and other disruptions attendant to litigation.”). The district court’s February 11, 2013 order misapplies *NML Capital*, and fails to recognize the special protection due the Lao Central Bank under § 1611(b)(1).

In *NML Capital*, this Court made three holdings with respect to central bank immunity under the FSIA. First, it held that “the plain language, history, and structure of § 1611(b)(1) immunizes property of a foreign central bank or monetary authority held for its own account without regard to whether the bank or authority is independent from its parent state” *Id.* at 187-88. Second, it determined that “the plain language of the statute suggests that Congress recognized that the property of a central bank, immune under § 1611, might *also* be the property of that central bank’s parent state.” *Id.* at 188-89 (emphasis in original); *accord id.* at 189 (“‘By referring to the property of a foreign state and the property of a central bank interchangeably, Congress indicated its understanding that central bank property could be viewed as the property of a foreign state, and nonetheless be immune from attachment.’” (quoting *amicus* brief filed by the United States)). Third, the Court concluded that the phrase “held for its own account” in § 1611(b)(1) describes funds used for traditional central banking functions. *Id.* at 194. Recognizing

that the immunity conferred by § 1611(b)(1) includes immunity “from the costs, in time and expense, and other disruptions attendant to litigation,” the Court adopted a test whereby funds held in an account in the name of a central bank are presumed to be immune from attachment absent a specific showing by the judgment creditor that the funds “are not being used for central banking functions as such functions are normally understood.” *Id.*

Here, the district court improperly ordered discovery concerning the Lao Central Bank’s U.S. accounts. The district court determined that the Lao Central Bank had provided “ample statutory evidence” that it was a separate entity (with a separate claim to sovereign immunity) from the Lao Government, and that unlike the Lao Government, the Lao Central Bank had not waived its immunity. (A 1148). The district court further determined that it had “not established jurisdiction over the Lao [Central] Bank as a separate entity.” (A 1148). Moreover, the district court acknowledged “that specific details of accounts held by the Lao [Central] Bank are immune from discovery as well as attachment.” (A 1149). And lastly, the district court recognized that in order to rebut the presumption that the Lao Central Bank’s accounts are immune under FSIA § 1611, Thai-Lao and Hongsa must “show, with specificity, ‘that the funds are not being used for central banking functions as such functions are normally understood.’” (A 1149 (quoting *NML Capital*, 652 F.3d at 194)).

Yet despite these observations, the district court concluded that petitioners were entitled to discovery

because the Lao Central Bank “[did] not conclusively establish that these accounts are the Lao [Central] Bank’s property, and not [the Lao Government’s],” pointing to a Lao law that it characterized as requiring the Lao Central Bank “to act as a custodian for the Lao Government’s assets abroad.” (A 1150). On this basis, the district court concluded that “Petitioners are thus entitled to discovery regarding [the Lao Government’s] accounts, even though they may be held in the name of the Lao [Central] Bank.” (A 1150).

The district court’s ruling misapplied *NML Capital* by focusing on whether the Lao Central Bank accounts belonged to the Lao Central Bank or the Lao Government, a question that this Court has made clear is irrelevant to § 1611(b)(1) immunity determinations. *NML Capital*, 652 F.3d at 189. As this Court stated in *NML Capital*, the FSIA recognizes that central bank funds will often also be the property of the foreign state. *Id.* Furthermore, the Declaration of Oth Phonhxiengdy, Deputy Director General of the Lao Central Bank’s Banking Operations Department (“Oth Declaration”), made clear that the Lao Central Bank’s accounts in the United States are held in its own name, rather than the Lao Government’s. (A 675). Thus, applying the test set forth in *NML Capital*, the funds in the Lao Central Bank accounts are “presumed to be immune from attachment under § 1611(b)(1).” 652 F.3d at 194. Thai-Lao and Hongsa could rebut this presumption only “by demonstrating with specificity” that the funds in question were “not being used for central banking functions as such functions are normally understood.” *Id.*

Thai-Lao and Hongsa provided no “specific showing” of facts that would provide a basis to rebut this presumption. To the contrary, the Oth Declaration provides further support for the presumption that funds in the Lao Central Bank accounts are in fact being used for central banking functions. The Oth Declaration explained that the Lao Central Bank is authorized to engage in traditional central banking functions, including issuing legal tender and regulating the money supply, holding and managing foreign currency reserves, acting as a lender of last resort, and serving as the Lao Government’s agent in dealing with international financial institutions such as the International Monetary Fund. (A 676-77). Furthermore, and in particular, the Oth Declaration clarified that the Lao law cited by the district court merely establishes that the Lao Central Bank holds the Lao Government’s foreign currency reserves (A 676) —a paradigmatic traditional central banking function. *See NML Capital*, 652 F. 3d at 195 (noting that the accumulation of foreign exchange reserves is a “paradigmatic central banking function[.]”); *accord Weston Compagnie de Finance et D’Investissement, S.A. v. La Republica del Ecuador*, 823 F. Supp. 1106, 1113 (S.D.N.Y. 1993) (“When the central bank acts as a bank for its parent foreign state. . . , it is engaged in a central banking and governmental function.”). By failing to accord the Lao Central Bank a presumption of immunity, and allowing discovery to proceed despite the absence of any evidence that the funds at issue were not used for central banking functions, the district court incorrectly applied § 1611(b)(1).

It is critically important that district courts properly apply this Court's test with respect to the immunity of foreign central banks under § 1611(b)(1). The United States has an interest both in promoting reciprocal international principles of central bank immunity to ensure that U.S. reserves held by the Federal Reserve abroad receive adequate protection, and also in protecting foreign central banks engaged in central banking activities from interference by unwarranted litigation in U.S. courts. Many foreign central banks choose to hold their reserves in dollar-denominated assets in accounts in the United States. Foreign central banks invest their reserves in the United States because of the stability of the U.S. dollar, the unparalleled depth and liquidity of our financial markets, and the reliability of our political and judicial institutions. Equally critical has been the assurance long provided by United States law that central bank funds held in this country and used for traditional central banking functions are immune from attachment, save for very narrow exceptions, and not subject to discovery. If this traditional immunity is weakened through a misinterpretation of the FSIA and misapplication of this Court's binding precedent, foreign central banks might be led to withdraw their reserves from the United States and place them in other countries, and the preeminence of the U.S. dollar as a reserve currency could be jeopardized. *See generally* Ernest T. Patrikis, *Foreign Central Bank Property: Immunity from Attachment in the United States*, 1982 U. Ill. L. Rev. 265, 265-71 (1982); *see also* H.R. Rep. No. 94-1487, at 25 (explaining that the purpose of FSIA § 1611 is to protect the "funds of a

foreign central bank . . . deposited in the United States,” because “execution against the reserves of a foreign state could cause significant foreign relations problems”). Any significant withdrawal of these reserves could have an immediate and adverse impact on the U.S. economy and the global financial system.

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CONCLUSION

The district court's February 11, 2013 order should be reversed.

Dated: New York, New York
May 17, 2013

Respectfully submitted,

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Southern District of New York,
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CERTIFICATE OF COMPLIANCE

Pursuant to Rule 32(a)(7)(C) of the Federal Rules of Appellate Procedure, the undersigned counsel hereby certifies that this brief complies with the type-volume limitation of Rule 32(a)(7)(B). As measured by the word processing system used to prepare this brief, there are 6,840 words in this brief.

PREET BHARARA,
*United States Attorney for the
Southern District of New York
Attorney for the United States of
America as Amicus Curiae*

By: CHRISTOPHER CONNOLLY,
Assistant United States Attorney

EXHIBIT B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	03 Civ. 8845 (TPG)
NML CAPITAL, LTD.,	:	05 Civ. 2434 (TPG)
	:	06 Civ. 6466 (TPG)
Plaintiff,	:	07 Civ. 1910 (TPG)
	:	07 Civ. 2690 (TPG)
v.	:	07 Civ. 6563 (TPG)
	:	08 Civ. 2541 (TPG)
THE REPUBLIC OF ARGENTINA,	:	08 Civ. 3302 (TPG)
	:	08 Civ. 6978 (TPG)
Defendant.	:	09 Civ. 1707 (TPG)
	:	09 Civ. 1708 (TPG)
-----	X	

NOTICE OF SUBPOENA

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD: PLEASE TAKE NOTICE THAT pursuant to Rule 45 of the Federal Rules of Civil Procedure, NML Capital, Ltd., plaintiff in the above-captioned actions, is requesting that BNP Paribas Fortis produce at the offices of Hoffner PLLC, 325 Broadway, Suite 505, New York, NY 10007, on or before May 14, 2013, all documents and things in its custody, possession, or control as specified in Attachment A to the subpoena, a copy of which is annexed hereto as Exhibit A.

Dated: New York, New York
May 1, 2013

HOFFNER PLLC

By:  _____

David S. Hoffner
hoffner@hoffnerpllc.com
325 Broadway, Suite 505
New York, New York
Telephone: (917) 881-1039
Facsimile: (646) 810-4031

*Attorneys for Plaintiff
NML Capital, Ltd.*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
NML CAPITAL, LTD.,	:	03 Civ. 8845 (TPG)
	:	05 Civ. 2434 (TPG)
	:	06 Civ. 6466 (TPG)
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	:	08 Civ. 2541 (TPG)
THE REPUBLIC OF ARGENTINA,	:	08 Civ. 3302 (TPG)
	:	08 Civ. 6978 (TPG)
Defendant.	:	09 Civ. 1707 (TPG)
	:	09 Civ. 1708 (TPG)
-----	X	

SUBPOENA DUCES TECUM

TO: BNP Paribas Fortis
787 Seventh Avenue, 3rd Floor
New York, NY 10019


YOU ARE HEREBY COMMANDED, pursuant to Rule 45 of the Federal Rules of Civil Procedure, to produce for inspection and copying no later than May 14, 2013 at the offices of Hoffner PLLC, 325 Broadway, Suite 505, New York, NY 10007, New York, NY 10007, all documents concerning the subjects identified in Attachment A hereto, in accordance with the Definitions and Instructions set out in Attachment A hereto.

This subpoena has been issued by the United States District Court for the Southern District of New York. Your failure to produce documents as described in this subpoena may be punishable as contempt of that court.

Pursuant to the requirements of Rule 45(a)(1)(A)(iv) of the Federal Rules of Civil Procedure, the text of Rule 45(c) and (d) of the Federal Rules of Civil Procedure is reproduced in Attachment B.

Dated: New York, New York
May 1, 2013

HOFFNER PLLC

By:  _____
David S. Hoffner
hoffner@hoffnerpllc.com
325 Broadway, Suite 505
New York, New York
Telephone: (917) 881-1039
Facsimile: (646) 810-4031

*Attorneys for Plaintiff
NML Capital, Ltd.*

ATTACHMENT A

DEFINITIONS

1. The term **“Argentina”** means the Republic of Argentina, as well as its ministries, political subdivisions, representatives, and assigns, and all other persons acting or purporting to act for or on Argentina’s behalf, whether or not authorized to do so. For the avoidance of any doubt, “Argentina” includes, but is not limited to, the entities identified in Attachment C.

2. The term **“CHIPS”** means Clearing House Interbank Payments System.

3. The term **“communication”** means the transmittal of information (in the form of facts, ideas, inquiries or otherwise). Local Civil Rule 26.3(c)(1).

4. The term **“concerning”** means relating to, referring to, describing, evidencing or constituting. Local Civil Rule 26.3(c)(7).

5. The term **“document”** (or **“documents”**) is defined to be synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” in Fed. R. Civ. P. 34(a)(1)(A), and includes writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilation, stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form. A draft or non-identical copy is a separate document within the meaning of this term. Fed. R. Civ. P. 34(a); Local Civil Rule 26.3(c)(2).

6. The term **“DTC”** means the Depository Trust Company, its parents, subsidiaries, and affiliates.

7. The term **“FEDWire”** means the Federal Reserve Wire Network.

8. The term **“identify,”**

- (a) when used with respect to a person, means to give, to the extent known: (i) the person's full name; (ii) the person's present or last known address; and (iii) when referring to a natural person, additionally, the person's present or last known place of employment. Local Civil Rule 26.3(c)(3).
- (b) when used with respect to a document, means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s) and recipient(s). In the alternative, you may produce the document, together with identifying information sufficient to satisfy Fed. R. Civ. P. 33(d). Local Civil Rule 26.3(c)(4).

9. The term **"person"** means any natural person, or any business, legal, or governmental entity, or association. Local Civil Rule 26.3(c)(6).

10. The terms **"Relevant Time Period"** means January 1, 2011 through and including the date on which you produce documents in response to this Subpoena Duces Tecum.

11. The term **"SWIFT"** means the Society for World Interbank Financial Telecommunication.

12. The terms **"you"** and **"your"** mean BNP Paribas Fortis, its parents, subsidiaries, and affiliates, as well as its officers, directors, principals, agents, representatives, and all other persons acting or purporting to act for or on its behalf, whether or not authorized to do so.

INSTRUCTIONS

1. Documents referred to herein are to include all portions, or pages of each document referred to, and all attachments, enclosures, appendices, and supporting documentation, including, without limitation, originals, copies, non-identical copies (that may contain handwritten notes, markings, stamps, interlineations or electronic information), drafts, working papers, routing slips, and similar materials.

2. A document is deemed in your actual or constructive possession, custody, or control if it is in your physical custody, or if it is in the physical custody of any other person and you (a) own such document in whole or in part; (b) have a right, by control, contract, statute,

order, or otherwise, to use inspect, examine or copy such document on any terms; (c) have an understanding, express or implied, that you may use, inspect, examine, or copy such document upon any terms; or (d) have, as a practical matter, been able to use, inspect, examine, or copy such document when you sought to do so. For the avoidance of doubt, a document is deemed in your actual or constructive possession, custody, or control if it is accessible on a network or server that you maintain.

3. The specifications of this subpoena are to be construed as being inclusive rather than exclusive. Thus, use of the singular form of any word includes the plural and vice versa; words importing one gender includes both genders; the connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all documents that might otherwise be construed to be outside of its scope; the words “all,” “any,” and “each” shall each be construed as encompassing “any and all.” Local Civil Rule 26.3(d).

4. In producing responsive documents, you should furnish all documents in your possession, custody, or control, regardless of whether such documents are possessed directly by you or by your agents, employees, or representatives, including your attorneys or their agents, employees, or representatives.

5. You are to produce any and all drafts and copies of each document that is responsive to any specification of this subpoena and all copies of each such document that are not identical in any respect, including but not limited to handwritten notes, markings, stamps, interlineations, and electronic information.

6. With respect to Electronically Stored Information (“ESI”):

a.) All electronic records including all payment transactions and instructions, mail, and spreadsheets responsive to this subpoena that are maintained in the

usual course of business in electronic format are to be produced in their native format along with the software necessary to interpret such files if such software is not readily available.

b.) Electronic payment records and instructions that are responsive to this subpoena processed through CHIPS, FEDWire, SWIFT, and Book-transfers shall include the descriptive field name and not the numeric tag for all data elements contained in the electronic record. Include all relevant data elements contained in Attachment D and any other data fields that are contained in the electronic records responsive to this subpoena.

c.) All other documents responsive to this subpoena that are maintained in the usual course of business in electronic format are to be produced in properly utilized, multi-page TIFF Group IV format complete with full text extracts and all associated metadata.

c.) All documents responsive to this subpoena are to be produced with the metadata normally contained within such documents, and the necessary Concordance or Introspect load files. If such metadata is not available, each document is to be accompanied by a listing of all file properties relating to such document, including, but not limited to, all information relating to the date(s) the document was last accessed, created, modified or distributed, and the author(s) and recipient(s) of the document.

d.) Under no circumstances should ESI be converted from the form in which it is ordinarily maintained to a different form that makes it more difficult or burdensome to use. ESI should not be produced in a form that removes or significantly degrades the ability to search the ESI by electronic means where the ESI is ordinarily maintained in a way that makes it searchable by electronic means. Databases or underlying data should not be produced without first discussing production format issues with Plaintiff's counsel. If you decline to search or produce ESI on the ground that such ESI is not reasonably accessible because of undue burden or cost, identify such information by category or source and provide detailed information regarding the burden of cost you claim is associated with the search or production of such ESI.

7. All documents that are physically attached to each other when located for production are to be left so attached when produced. Documents that are segregated or separated from other documents, whether by inclusion in binders, files, subfiles, or by use of dividers, tabs or any other method, are to be left so segregated or separated when produced. Documents are to be produced in the order in which they were maintained and in the files in which they were found.

8. If any document, or any part of a document, called for by this subpoena has been destroyed, discarded, lost, or otherwise disposed of or placed beyond your custody or control, you are to furnish a list identifying each such document by: (i) date; (ii) author; (iii) recipient(s); (iv) type of document (e.g., letter, memorandum, chart, e-mail, etc.); (v) general subject matter; (vi) the document's present or last-known location or custodian; (vii) the date of the document's destruction or other disposition; (viii) the reason for such destruction or other disposition; and (ix) the person authorizing such destruction or other disposition.

9. Each specification of this subpoena requires production in full, without abbreviation, redaction, or expurgation, of any responsive documents. If any responsive document is not or cannot be produced in full, produce it to the extent possible, indicating which document, or portion of that document is being withheld, and the reason(s) it is being withheld.

10. Documents not otherwise responsive to specifications of this subpoena are to be produced if such documents mention, discuss, refer to, or explain the documents which are responsive to this subpoena, or if such documents are attached to documents responsive to this subpoena and constitute routing slips, transmittal memoranda, or letters, comments, evaluations or similar materials.

11. If in responding to this subpoena, you encounter any ambiguity in construing it or any definitions and instructions relevant to it, set forth the matter or term deemed "ambiguous" and the construction used in responding to the subpoena.

12. If a privilege is claimed as the basis for not producing any document, you are to furnish a privilege log setting forth, for each such document: (i) nature of the privilege (including work product) which is being claimed and, if the privilege is governed by state law, indicate the state's privilege rule being invoked; (ii) the type of document, e.g., letter,

memorandum, etc.; (iii) the general subject matter of the document; (iv) the date of the document; and (v) the author of the document, the addressees and any other recipients of the document and, where not apparent, the relationship of the author, addressees, and recipients to each other. Local Civil Rule 26.2(a).

DOCUMENTS TO BE PRODUCED

1. All documents concerning any transfer, in which you had any involvement and within the Relevant Time Period, of any monies or financial instruments to, from, or through accounts owned or controlled by Argentina. For the avoidance of any doubt and without limiting the foregoing, this includes, but is not limited to, the entire text of communications transmitted through systems such as SWIFT, CHIPS, FEDWire, DTC, and any similar system. For the further avoidance of any doubt and without limiting the foregoing, data concerning transactions with a counterparty should include fields corresponding to the counterparty, including but not limited to account number, ABA routing number, and SWIFT code.

2. Documents sufficient to identify all property, assets, or accounts of any type held by you during the Relevant Time Period—including the current value, account owners, and co-signers of interest of such property, assets, or accounts—for which Argentina is, in whole or in part, the owner, beneficiary, or a signatory.

ATTACHMENT B: Rule 45 Federal Rules of Civil Procedure, Parts C & D

(c) Protecting a Person Subject to a Subpoena.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney’s fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party’s officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person who is neither a party nor a party’s officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person—except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information;
- (ii) disclosing an unretained expert’s opinion or information that does not describe specific occurrences in dispute and results from the expert’s study that was not requested by a party; or
- (iii) a person who is neither a party nor a party’s officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance

or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

ATTACHMENT C: Non-Exclusive List of Persons Included Definition of "Argentina"

I. Governmental Entities
República Argentina
Estado Nacional
Administracion Central
Administracion Publica Nacional
Nacion Argentina
Presidencia de la Nacion
Vicepresidente
Ministerio de Defensa
Ministerio de Desarrollo Social
Ministerio de Economia y Finanzas Publicas
Ministerio de Educacion
Ministerio de Ciencia, Tecnologia e Innovacion Productiva
Ministerio de Justicia y Derechos Humanos
Ministerio de Planificacion Federal, Inversion Publica y Servicios
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Ministerio de Salud
Ministerio de Trabajo, Empleo y Seguridad Social
Ministerio del Interior
Ministerio de Turismo
Ministerio de Industria
Ministerio de Agricultura, Ganaderia y Pesca
Ministerio de Seguridad
Coordinación General de Asuntos Técnicos de la Unidad Presidente
Coordinación General de Asuntos Político-Institucionales de la Unidad Presidente
Secretaría General
Subsecretaría General
Subsecretaría de Relaciones con la Sociedad Civil
Subsecretaría de Coordinacion
Secretaría Legal y Tecnica
Subsecretaría Tecnica
Subsecretaría de Asuntos Legales
Secretaría de Inteligencia
Subsecretaría de Inteligencia
Secretaría de Programacion para la Prevencion de la Drogadiccion y la Lucha contra el Narcotrafico
Subsecretaría Técnica de Planeamiento y Control del Narcotráfico
Subsecretaría de Planificación, Prevención y Asistencia

Secretaría de Cultura
Subsecretaría de Gestión Cultural
Subsecretaría de Industrias Culturales
Casa Militar
Secretaría de Ambiente y Desarrollo Sostenible
Subsecretaría de Control y Fiscalización Ambiental y Prevención de la Contaminación
Subsecretaría de Coordinación de Políticas Ambientales
Subsecretaría de Planificación de Política Ambiental
Subsecretaría de Promoción del Desarrollo Sostenible
Secretaría de Coordinación Administrativa y Evaluación Presupuestaria
Subsecretaría de Evaluación de Presupuesto Nacional
Subsecretaría de Evaluación de Proyectos con Financiamiento Externo
Subsecretaría de Coordinación Administrativa
Secretaría de Relaciones Parlamentarias
Subsecretaría de Relaciones Institucionales
Secretaría de la Gestión Pública
Subsecretaría de Gestión y Empleo Público
Subsecretaría de Tecnologías de Gestión
Secretaría de Medios de Comunicación
Subsecretaría de Gestión de Medios
Subsecretaría de Comunicación y Contendidos de Difusión
Subsecretaría de Comunicación Estratégica
Secretaría de Gabinete
Subsecretaría para la Reforma Institucional y Fortalecimiento de la Democracia
Secretaría de Integración Nacional
Subsecretaría de Planificación y Gestión para la Integración Nacional
Subsecretaría de Ejecución Operativa
Secretaría de Política Económica
Subsecretaría de Coordinación Económica
Subsecretaría de Programación Económica
Secretaría de Comercio Interior
Subsecretaría de Defensa del Consumidor
Secretaría de Finanzas
Subsecretaría de Servicios Financieros
Subsecretaría de Financiamiento
Secretaría de Hacienda
Subsecretaría de Presupuesto
Subsecretaría de Relaciones con Provincias
Subsecretaría de Ingresos Públicos

Secretaría Legal y Administrativa
Subsecretaría Legal
Subsecretaría de Administración y Normalización Patrimonial
Subsecretaría de Relaciones Institucionales
Secretaría de Asuntos Militares
Subsecretaría de Asuntos Técnico Militares
Subsecretaría de Formación
Secretaría de Planeamiento
Subsecretaría de Planificación Logística y Operativa de la Defensa
Subsecretaría de Innovación Científica y Tecnológica
Subsecretaría de Asuntos Internacionales de la Defensa
Subsecretaría de Coordinación
Secretaría de Interior
Subsecretaría de Interior
Secretaría de Asuntos Políticos
Subsecretaría de Asuntos Políticos y Electorales
Secretaría de Provincias
Subsecretaría de Desarrollo y Fomento Provincial
Secretaría de Asuntos Municipales
Subsecretaría de Gestión Municipal
Subsecretaría de Coordinación
Agencia Nacional de Gestión Informática
Secretaría de Política, Regulación e Institutos
Subsecretaría de Gestión de Servicios Asistenciales
Subsecretaría de Políticas, Regulación y Fiscalización
Secretaría de Promoción y Programas Sanitarios
Subsecretaría de Salud Comunitaria
Subsecretaría de Prevención y Control de Riesgos
Secretaría de Determinantes de la Salud y Relaciones Sanitarias
Subsecretaría de Relaciones Sanitarias e Investigación
Secretaría de Coordinación
Subsecretaría de Coordinación Administrativa
Subsecretaría de Planificación Territorial de la Inversión Pública
Subsecretaría de Coordinación y Control de Gestión
Subsecretaría Legal
Secretaría de Obras Públicas
Subsecretaría de Desarrollo Urbano y Vivienda
Subsecretaría de Coordinación de Obras Públicas Federales
Subsecretaría de Recursos Hídricos
Subsecretaría de Obras Públicas
Secretaría de Comunicaciones
Secretaría de Energía

Subsecretaría de Energía Eléctrica
Subsecretaría de Combustibles
Secretaría de Minería
Secretaría de Transporte
Subsecretaría de Puertos y Vías Navegables
Subsecretaría de Transporte Ferroviario
Subsecretaría de Transporte Aero comercial
Subsecretaría de Transporte Automotor
Secretaría de Relaciones Exteriores
Subsecretaría de Relaciones Institucionales
Subsecretaría de Política Latinoamericana
Subsecretaría de Política Exterior
Secretaría de Coordinación y Cooperación Internacional
Subsecretaría Legal, Técnica y Administrativa
Secretaría de Comercio y Relaciones Económicas Internacionales
Subsecretaría de Integración Económica Americana y MERCOSUR
Subsecretaría de Comercio Internacional
Subsecretaría de Desarrollo de Inversiones
Secretaría de Culto
Subsecretaría de Culto
Subsecretaría de Programación Técnica y Estudios Laborales
Subsecretaría de Coordinación
Secretaría de Trabajo
Subsecretaría de Relaciones Laborales
Subsecretaría de Fiscalización del Trabajo y de la Seguridad Social
Secretaría de Empleo
Subsecretaría de Políticas de Empleo y Formación Profesional
Subsecretaría de Promoción del Sector Social de la Economía
Secretaría de Seguridad Social
Subsecretaría de Políticas de la Seguridad
Subsecretaría de Coordinación e Innovación
Subsecretaría de Planificación Estratégica
Secretaría de Justicia
Subsecretaría de Asuntos Penitenciarios
Subsecretaría de Política Criminal
Subsecretaría de Relaciones con el Poder Judicial
Secretaría de Asuntos Registrales
Subsecretaría de Asuntos Registrales
Secretaría de Seguridad Interior
Subsecretaría de Seguridad Ciudadana
Subsecretaría de Seguridad en los Espectáculos Futbolísticos
Secretaría de Derechos Humanos

Subsecretaría de Protección de Derechos Humanos
Subsecretaría de Promoción de Derechos Humanos
Secretaría de Educación
Subsecretaría de Equidad y Calidad Educativa
Subsecretaría de Planeamiento Educativo
Secretaría de Políticas Universitarias
Subsecretaría de Coordinación Administrativa
Secretaría de Coordinación y Monitoreo Institucional
Subsecretaría de Comercialización de la Economía Social
Secretaría de Economía Social
Subsecretaría de Fortalecimiento Institucional
Subsecretaría de Organización de Ingresos Sociales
Secretaría de Organización y Comunicación Comunitaria
Subsecretaría de Organización y Capacitación Popular
Secretaría de Gestión y Articulación Institucional
Subsecretaría de Abordaje Territorial
Subsecretaría de Políticas Alimentarias
Secretaría Nacional de Niñez, Adolescencia y Familia
Subsecretaría de Derechos para la Niñez, Adolescencia y Familia
Subsecretaría de Desarrollo Institucional e Integración Federal
Secretaría de Deportes
Subsecretaría de Planeamiento y Gestión Deportiva
Subsecretaría de Recursos Deportivos
Subsecretaría de Coordinación
Secretaría de Turismo
Subsecretaría de Desarrollo Turístico
Subsecretaría de Promoción Turística Nacional
Subsecretaría de Coordinación Administrativa
Secretaría de Planeamiento y Políticas de Ciencia, Tecnología e Innovación
Subsecretaría de Estudios y Prospectiva
Subsecretaría de Políticas de Ciencia, Tecnología e Innovación Productiva
Secretaría de Articulación Científico Tecnología
Subsecretaría de Coordinación Institucional
Subsecretaría de Evaluación Institucional
Subsecretaría de Coordinación
Secretaría de Industria y Comercio
Subsecretaría de Industria
Subsecretaría de Política y Gestión Comercial
Secretaría de la Pequeña y Mediana Empresa y Desarrollo Regional
Subsecretaría de Política y Gestión de la Pequeña y Mediana Empresa y del Desarrollo
Subsecretaría de Promoción al Financiamiento de la Pequeña y Mediana Empresa
Subsecretaría de Coordinación Técnica y Administrativa

Secretaría de Agricultura, Ganadería y Pesca
Subsecretaría de Agricultura
Subsecretaría de Ganadería
Subsecretaría de Lechería
Subsecretaría de Pesca y Acuicultura
Secretaría de Desarrollo Rural y Agricultura Familiar
Subsecretaría de Desarrollo de Economías Regionales
Subsecretaría de Agricultura Familiar
Secretaría Relaciones Institucionales
Subsecretaría de Coordinación Institucional
Subsecretaría de Comunicación Institucional
Unidad de Planificación y Evaluación de la Educación
Consejo Nacional de Coordinación de Políticas Sociales
Secretaría de Políticas Sociales y Desarrollo Humano
Secretaría del Consejo Federal de Educación
Secretaría de Estrategia y Asuntos Militares
Banco Central de la República Argentina
Fondo Fiduciario Anticíclico
Procuración del Tesoro de la Nación
Comisión Nacional de Museos y Monumentos Históricos
Instituto Nacional Browniano
Instituto Nacional Newberiano
Instituto Nacional de Investigaciones Históricas Eva Perón
Instituto Nacional de Investigaciones Históricas Juan M de Rosas
Instituto Nacional Belgrano
Instituto Nacional Sanmartiniano
Comisión Nacional Protectora de Bibliotecas Populares
Museo Nacional de Bellas Artes
Agencia Nacional de Promoción Científica y Tecnológica
Comisión Nacional de Pensiones Asistenciales
Comisión Nacional de Coordinación del Programa de Promoción del Microcrédito para el Desarrollo de la Economía Social
Instituto Nacional de Educación Tecnológica Nacional
Instituto Nacional de Formación Docente
Archivo Nacional de la Memoria
Servicio Penitenciario Federal National Penitentiary Service
Policía de Seguridad Aeroportuaria
Órgano de Control de Concesiones Viales
Organismo Nacional de Administración de Bienes
Instituto Nacional del Cáncer
Prefectura Naval Argentina
Policía Federal Argentina

Gendarmeria Nacional
Comision Nacional de Defensa de la Competencia
Comision Nacional de Comercio Exterior
Instituto Nacional de Estadistica y Censo
Comisión Nacional de Tierras para el Hábitat Social. "Padre C. Mugica"
Comisión Nacional Coordinadora de Políticas Públicas en Materia de Prevención y Control del Tráfico Ilícito de Estupefacientes, la Delincuencia Organizada Transnacional y la Corrupción
Consejo Nacional de Investigaciones Científicas y Técnicas
Banco Nacional de Datos Geneticos
Biblioteca Nacional
Fondo Nacional de las Artes
Instituto Nacional del Teatro
Teatro Nacional Cervantes
Instituto Nacional de Investigaciones y Desarrollo Pesquero
Instituto Nacional de Semillas
Instituto Nacional de Tecnologia Agropecuaria
Instituto Nacional de Vitivinicultura
Servicio Nacional de Sanidad y Calidad Agroalimentaria
Instituto de Ayuda Financiera para Pago de Retiros y Pensiones Militares
Instituto de Investigaciones Científicas y Técnicas para la Defensa
Instituto Geográfico Nacional
Secretaría Nacional de Ninez, Adolescencia y Familia
Instituto Nacional de Asociativismo y Economía Social
Instituto Nacional de Asuntos Indígenas
Administración Federal de Ingresos Públicos
Comisión Nacional de Valores
Superintendencia de Seguros de la Nacion
Tribunal Fiscal de la Nación
Comisión Nacional de Evaluación y Acreditación Universitaria
Fundación Miguel Lillo
Administración de Parques Nacionales
Instituto Nacional de la Propiedad Industrial
Instituto Nacional de Tecnología Industrial
Dirección Nacional de Migraciones
Dirección Nacional del Registro Nacional de las Personas
Caja de Retiros, Jubilaciones y Pensiones de la Policía Federal Argentina
Instituto Nacional contra la Discriminación, la Xenofobia y el Racismo
Comisión Nacional de Energía Atómica
Dirección Nacional de Vialidad
Fondo Fiduciario Federal de Infraestructura Regional

Comisión Nacional de Comunicaciones
Ente Nacional Regulador de la Electricidad
Ente Nacional Regulador del Gas
Comisión Nacional de Regulación del Transporte
Administración Nacional de Aviación
Junta de Investigaciones de Accidentes de Aviacion Civil
Organismo Regulador del Sistema Nacional de Aeropuertos
Tribunal Nacional de Defensa de la Competencia
Instituto Nacional de Recursos de la Seguridad Social
Servicio Meteorológico Nacional
Agencia Nacional de Seguridad Vial
Oficina Nacional de Control Comercial Agropecuario
Instituto Nacional de Promoción Turística
Agencia de Planificacion
Direccion General de Fabricaciones Militares General
Delegacion Tecnico Administrativa
Unidad Auditoria Interna
Direccion de Comunicacion Social
Direccion Nacional de Inteligencia Estrategica Militar
Coordinadora de Ceremonial
Estado Mayor Conjunto de las Fuerzas Armadas
Estado Mayor General de la Armada
Estado Mayor General de la Fuerza Aerea
Estado Mayor General del Ejercito
Agencia Nacional de Seguridad Vial
Ente Cooperador Penitenciario
Organo de Control de Concesiones Viales
Auditoria General de la Nacion
Fondo del Bicentenario para el Desendeudamiento y la Estabilidad Económica
Fondo Nacional de la Vivienda
Fondo Federal Solidario
Comision Federal de Impuestos
Fondo de Garantia de Sustentabilidad
Fondo Fiduciario para el Desarrollo
Fondo Fiduciario de Reconstruccion de Empresas
Fondo Financiero para el Desarrollo de la Cuenca del Plata
Fondo Unificado de Cuentas Corrientes Oficiales
Agencia Nacional de Desarrollo de Inversiones - ProsperAr
Area de Origen de Mercaderias
Centro do Economia Internacional
Comision de Seguimiento del Sector de la Construccion
Consejo Federal Pesquero

Dirección de Competencia Desleal
Dirección Nacional de Política Comercial Externa
Oficina Nacional de Contrataciones
Zonas Francas
Fondo Fiduciario del Sistema de Infraestructura de Transporte
Fideicomiso Sistema Vial Integrado
Sistema Ferroviario Integrado
Fondo Nacional de Energía Eléctrica
Fondo Fiduciario para el Transporte Eléctrico Federal
Fondo Fiduciario para la Reconstrucción de Empresas
Fondo Fiduciario para Atender Inversiones en Transporte y Distribución de Gas
Fondo Fiduciario para el Desarrollo Provincial
Fondo Fiduciario de Desarrollo de Infraestructura Regional
Tesorería General de la Nación
II. <u>Entities in which Argentina has an ownership interest</u>
Lotería Nacional
Polo Tecnológico Constituyente
EDUC.AR
Administración General de Puertos
Entidad Binacional Yacyreta
Nucleoeléctrica Argentina
Correo Oficial de la República Argentina
Casa de Moneda
Banco de Inversión y Comercio Exterior
Banco de la Nación Argentina
Agua y Saneamientos Argentinos
Construcción de Viviendas para la Armada SE
DIOXITEK
Empresa Argentina de Soluciones Satelitales
Energía Argentina
Yacimientos Carboníferos Río Turbio
Yacimientos Mineros de Agua de Dionisio
Líneas Aéreas Federales
Aerolíneas Argentinas
Nación Administradora de Fondos de Jubilaciones y Pensiones
Talleres Navales Dársena Norte SACIyN
Agencia de Noticias Oficial de la República Argentina
Fabrica Militar de Aviones
Planta Papelera Quilmes
Terminal de Cargas Argentina
Innovaciones Tecnológicas Agropecuarias
Unidad Especial Sistema de Transmisión Yacyretá

Emprendimientos Energéticos Binacionales
TELAM SE
Radio y Televisión Argentina
Administración de Infraestructura Ferroviarias
INTERCARGO S.A.C.
Operadora Ferroviaria
Dirección General de Fabricaciones Militares
Aerohandling
Austral Cielos del Sur
Editorial Universitaria de Buenos Aires SEM
Emprendimiento Productivo y Educativo La Gleba
Energía Argentina Servicios
Fábrica Argentina de Aviones « Brigadier San Martín »
Jet Paq
Nación Bursátil Sociedad de Bolsa
Nación Factoring
Nación Fideicomiso
Nación Leasing
Nación Seguros
Nación Seguros de Retiro
Nación Servicios
Optar
Parque Tecnológico del Litoral Centro SAPEM
Pellegrini SA Gerente de Fondos Comunes de Inversión
Vehículo Espacial de Nueva Generación
Vientos de la Patagonia I
Autoridad Interjurisdiccional de la Cuenca del Río Limay
YPF

ATTACHMENT D: Data Elements of Payment Transactions and Instructions

Transaction Description ¹	Credit Party ID
Transaction Date	Credit Party Name
Transaction Amount	Credit Party Address (Lines, 1,2,3,4)
Message Type	Credit Party Country
Currency	Originating Bank
SWIFT BIC	Originating Bank Country
Originating Party ID	Beneficiary Bank
Originating Party Name	Beneficiary Bank Country
Originating Party Address (Lines 1,2,3,4)	Sending Bank
Originating Party Country	Sending Bank Country
Beneficiary Party ID	Receiving Bank
Beneficiary Party Name	Receiving Bank Country
Beneficiary Party Address (Lines 1,2,3,4)	Intermediary Bank
Beneficiary Party Country	Intermediary Bank Country
Reference Number	Bank to Bank Information
SWIFT 20	Originator to Beneficiary Information
SWIFT 21	Bank to Bank Intermediary Information
By Order Party ID	Bank to Bank Beneficiary Information
By Order Party Name	Reference for the Beneficiary
By Order Party Address (Lines 1,2,3,4)	Debit Party ID
By Order Party Country	Debit Party Name
Instructing Party ID	Debit Party Address (Lines 1,2,3,4)
Instructing Party Name	Debit Party Country
Instructing Party Address (Lines 1,2,3,4)	
Instructing Party Country	

¹ Fed In, Fed Out, CHIPS In, CHIPS Out, SWIFT In, SWIFT Out, Book-transfers in and out

EXHIBIT C

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

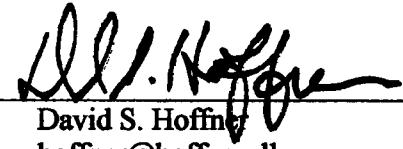
-----	X	
	:	03 Civ. 8845 (TPG)
NML CAPITAL, LTD.,	:	05 Civ. 2434 (TPG)
	:	06 Civ. 6466 (TPG)
Plaintiff,	:	07 Civ. 1910 (TPG)
	:	07 Civ. 2690 (TPG)
v.	:	07 Civ. 6563 (TPG)
	:	08 Civ. 2541 (TPG)
THE REPUBLIC OF ARGENTINA,	:	08 Civ. 3302 (TPG)
	:	08 Civ. 6978 (TPG)
Defendant.	:	09 Civ. 1707 (TPG)
	:	09 Civ. 1708 (TPG)
-----	X	

NOTICE OF SUBPOENA

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD: PLEASE TAKE NOTICE THAT pursuant to Rule 45 of the Federal Rules of Civil Procedure, NML Capital, Ltd., plaintiff in the above-captioned actions, is requesting that BNP Paribas produce at the offices of Hoffner PLLC, 325 Broadway, Suite 505, New York, NY 10007, on or before May 14, 2013, all documents and things in its custody, possession, or control as specified in Attachment A to the subpoena, a copy of which is annexed hereto as Exhibit A.

Dated: New York, New York
May 1, 2013

HOFFNER PLLC

By:  _____

David S. Hoffner
hoffner@hoffnerpllc.com
325 Broadway, Suite 505
New York, New York
Telephone: (917) 881-1039
Facsimile: (646) 810-4031

*Attorneys for Plaintiff
NML Capital, Ltd.*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
NML CAPITAL, LTD.,	:	03 Civ. 8845 (TPG)
	:	05 Civ. 2434 (TPG)
Plaintiff,	:	06 Civ. 6466 (TPG)
	:	07 Civ. 1910 (TPG)
v.	:	07 Civ. 2690 (TPG)
	:	07 Civ. 6563 (TPG)
THE REPUBLIC OF ARGENTINA,	:	08 Civ. 2541 (TPG)
	:	08 Civ. 3302 (TPG)
Defendant.	:	08 Civ. 6978 (TPG)
	:	09 Civ. 1707 (TPG)
	:	09 Civ. 1708 (TPG)
-----	X	

SUBPOENA DUCES TECUM

TO: BNP Paribas
787 Seventh Avenue
New York, NY 10019

YOU ARE HEREBY COMMANDED, pursuant to Rule 45 of the Federal Rules of Civil Procedure, to produce for inspection and copying no later than May 14, 2013 at the offices of Hoffner PLLC, 325 Broadway, Suite 505, New York, NY 10007, New York, NY 10007, all documents concerning the subjects identified in Attachment A hereto, in accordance with the Definitions and Instructions set out in Attachment A hereto.

This subpoena has been issued by the United States District Court for the Southern District of New York. Your failure to produce documents as described in this subpoena may be punishable as contempt of that court.

Pursuant to the requirements of Rule 45(a)(1)(A)(iv) of the Federal Rules of Civil Procedure, the text of Rule 45(c) and (d) of the Federal Rules of Civil Procedure is reproduced in Attachment B.

Dated: New York, New York
May 1, 2013

HOFFNER PLLC

By: 

David S. Hoffner

hoffner@hoffnerpllc.com

325 Broadway, Suite 505

New York, New York

Telephone: (917) 881-1039

Facsimile: (646) 810-4031

*Attorneys for Plaintiff
NML Capital, Ltd.*

ATTACHMENT A

DEFINITIONS

1. The term **“Argentina”** means the Republic of Argentina, as well as its ministries, political subdivisions, representatives, and assigns, and all other persons acting or purporting to act for or on Argentina’s behalf, whether or not authorized to do so. For the avoidance of any doubt, “Argentina” includes, but is not limited to, the entities identified in Attachment C.

2. The term **“CHIPS”** means Clearing House Interbank Payments System.

3. The term **“communication”** means the transmittal of information (in the form of facts, ideas, inquiries or otherwise). Local Civil Rule 26.3(c)(1).

4. The term **“concerning”** means relating to, referring to, describing, evidencing or constituting. Local Civil Rule 26.3(c)(7).

5. The term **“document”** (or **“documents”**) is defined to be synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” in Fed. R. Civ. P. 34(a)(1)(A), and includes writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilation, stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form. A draft or non-identical copy is a separate document within the meaning of this term. Fed. R. Civ. P. 34(a); Local Civil Rule 26.3(c)(2).

6. The term **“DTC”** means the Depository Trust Company, its parents, subsidiaries, and affiliates.

7. The term **“FEDWire”** means the Federal Reserve Wire Network.

8. The term **“identify,”**

- (a) when used with respect to a person, means to give, to the extent known: (i) the person's full name; (ii) the person's present or last known address; and (iii) when referring to a natural person, additionally, the person's present or last known place of employment. Local Civil Rule 26.3(c)(3).
- (b) when used with respect to a document, means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s) and recipient(s). In the alternative, you may produce the document, together with identifying information sufficient to satisfy Fed. R. Civ. P. 33(d). Local Civil Rule 26.3(c)(4).

9. The term **"person"** means any natural person, or any business, legal, or governmental entity, or association. Local Civil Rule 26.3(c)(6).

10. The terms **"Relevant Time Period"** means January 1, 2011 through and including the date on which you produce documents in response to this Subpoena Duces Tecum.

11. The term **"SWIFT"** means the Society for World Interbank Financial Telecommunication.

12. The terms **"you"** and **"your"** mean BNP Paribas, its parents, subsidiaries, and affiliates, as well as its officers, directors, principals, agents, representatives, and all other persons acting or purporting to act for or on its behalf, whether or not authorized to do so.

INSTRUCTIONS

1. Documents referred to herein are to include all portions, or pages of each document referred to, and all attachments, enclosures, appendices, and supporting documentation, including, without limitation, originals, copies, non-identical copies (that may contain handwritten notes, markings, stamps, interlineations or electronic information), drafts, working papers, routing slips, and similar materials.

2. A document is deemed in your actual or constructive possession, custody, or control if it is in your physical custody, or if it is in the physical custody of any other person and you (a) own such document in whole or in part; (b) have a right, by control, contract, statute,

order, or otherwise, to use inspect, examine or copy such document on any terms; (c) have an understanding, express or implied, that you may use, inspect, examine, or copy such document upon any terms; or (d) have, as a practical matter, been able to use, inspect, examine, or copy such document when you sought to do so. For the avoidance of doubt, a document is deemed in your actual or constructive possession, custody, or control if it is accessible on a network or server that you maintain.

3. The specifications of this subpoena are to be construed as being inclusive rather than exclusive. Thus, use of the singular form of any word includes the plural and vice versa; words importing one gender includes both genders; the connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all documents that might otherwise be construed to be outside of its scope; the words “all,” “any,” and “each” shall each be construed as encompassing “any and all.” Local Civil Rule 26.3(d).

4. In producing responsive documents, you should furnish all documents in your possession, custody, or control, regardless of whether such documents are possessed directly by you or by your agents, employees, or representatives, including your attorneys or their agents, employees, or representatives.

5. You are to produce any and all drafts and copies of each document that is responsive to any specification of this subpoena and all copies of each such document that are not identical in any respect, including but not limited to handwritten notes, markings, stamps, interlineations, and electronic information.

6. With respect to Electronically Stored Information (“ESI”):

a.) All electronic records including all payment transactions and instructions, mail, and spreadsheets responsive to this subpoena that are maintained in the

usual course of business in electronic format are to be produced in their native format along with the software necessary to interpret such files if such software is not readily available.

b.) Electronic payment records and instructions that are responsive to this subpoena processed through CHIPS, FEDWire, SWIFT, and Book-transfers shall include the descriptive field name and not the numeric tag for all data elements contained in the electronic record. Include all relevant data elements contained in Attachment D and any other data fields that are contained in the electronic records responsive to this subpoena.

c.) All other documents responsive to this subpoena that are maintained in the usual course of business in electronic format are to be produced in properly utilized, multi-page TIFF Group IV format complete with full text extracts and all associated metadata.

c.) All documents responsive to this subpoena are to be produced with the metadata normally contained within such documents, and the necessary Concordance or Introspect load files. If such metadata is not available, each document is to be accompanied by a listing of all file properties relating to such document, including, but not limited to, all information relating to the date(s) the document was last accessed, created, modified or distributed, and the author(s) and recipient(s) of the document.

d.) Under no circumstances should ESI be converted from the form in which it is ordinarily maintained to a different form that makes it more difficult or burdensome to use. ESI should not be produced in a form that removes or significantly degrades the ability to search the ESI by electronic means where the ESI is ordinarily maintained in a way that makes it searchable by electronic means. Databases or underlying data should not be produced without first discussing production format issues with Plaintiff's counsel. If you decline to search or produce ESI on the ground that such ESI is not reasonably accessible because of undue burden or cost, identify such information by category or source and provide detailed information regarding the burden of cost you claim is associated with the search or production of such ESI.

7. All documents that are physically attached to each other when located for production are to be left so attached when produced. Documents that are segregated or separated from other documents, whether by inclusion in binders, files, subfiles, or by use of dividers, tabs or any other method, are to be left so segregated or separated when produced. Documents are to be produced in the order in which they were maintained and in the files in which they were found.

8. If any document, or any part of a document, called for by this subpoena has been destroyed, discarded, lost, or otherwise disposed of or placed beyond your custody or control, you are to furnish a list identifying each such document by: (i) date, (ii) author; (iii) recipient(s); (iv) type of document (e.g., letter, memorandum, chart, e-mail, etc.); (v) general subject matter; (vi) the document's present or last-known location or custodian; (vii) the date of the document's destruction or other disposition; (viii) the reason for such destruction or other disposition; and (ix) the person authorizing such destruction or other disposition.

9. Each specification of this subpoena requires production in full, without abbreviation, redaction, or expurgation, of any responsive documents. If any responsive document is not or cannot be produced in full, produce it to the extent possible, indicating which document, or portion of that document is being withheld, and the reason(s) it is being withheld.

10. Documents not otherwise responsive to specifications of this subpoena are to be produced if such documents mention, discuss, refer to, or explain the documents which are responsive to this subpoena, or if such documents are attached to documents responsive to this subpoena and constitute routing slips, transmittal memoranda, or letters, comments, evaluations or similar materials.

11. If in responding to this subpoena, you encounter any ambiguity in construing it or any definitions and instructions relevant to it, set forth the matter or term deemed "ambiguous" and the construction used in responding to the subpoena.

12. If a privilege is claimed as the basis for not producing any document, you are to furnish a privilege log setting forth, for each such document: (i) nature of the privilege (including work product) which is being claimed and, if the privilege is governed by state law, indicate the state's privilege rule being invoked; (ii) the type of document, e.g., letter,

memorandum, etc.; (iii) the general subject matter of the document; (iv) the date of the document; and (v) the author of the document, the addressees and any other recipients of the document and, where not apparent, the relationship of the author, addressees, and recipients to each other. Local Civil Rule 26.2(a).

DOCUMENTS TO BE PRODUCED

1. All documents concerning any transfer, in which you had any involvement and within the Relevant Time Period, of any monies or financial instruments to, from, or through accounts owned or controlled by Argentina. For the avoidance of any doubt and without limiting the foregoing, this includes, but is not limited to, the entire text of communications transmitted through systems such as SWIFT, CHIPS, FEDWire, DTC, and any similar system. For the further avoidance of any doubt and without limiting the foregoing, data concerning transactions with a counterparty should include fields corresponding to the counterparty, including but not limited to account number, ABA routing number, and SWIFT code.

2. Documents sufficient to identify all property, assets, or accounts of any type held by you during the Relevant Time Period—including the current value, account owners, and co-signers of interest of such property, assets, or accounts—for which Argentina is, in whole or in part, the owner, beneficiary, or a signatory.

ATTACHMENT B: Rule 45 Federal Rules of Civil Procedure, Parts C & D**(c) Protecting a Person Subject to a Subpoena.**

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person—except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance

or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

ATTACHMENT C: Non-Exclusive List of Persons Included Definition of "Argentina"

<u>I. Governmental Entities</u>
República Argentina
Estado Nacional
Administracion Central
Administracion Publica Nacional
Nacion Argentina
Presidencia de la Nacion
Vicepresidente
Ministerio de Defensa
Ministerio de Desarrollo Social
Ministerio de Economia y Finanzas Publicas
Ministerio de Educacion
Ministerio de Ciencia, Tecnologia e Innovacion Productiva
Ministerio de Justicia y Derechos Humanos
Ministerio de Planificacion Federal, Inversion Publica y Servicios
Ministerio de Relaciones Exteriores, Comercio Internacional y Culto
Ministerio de Salud
Ministerio de Trabajo, Empleo y Seguridad Social
Ministerio del Interior
Ministerio de Turismo
Ministerio de Industria
Ministerio de Agricultura, Ganaderia y Pesca
Ministerio de Seguridad
Coordinación General de Asuntos Técnicos de la Unidad Presidente
Coordinación General de Asuntos Político-Institucionales de la Unidad Presidente
Secretaría General
Subsecretaría General
Subsecretaría de Relaciones con la Sociedad Civil
Subsecretaría de Coordinacion
Secretaría Legal y Tecnica
Subsecretaría Tecnica
Subsecretaría de Asuntos Legales
Secretaría de Inteligencia
Subsecretaría de Inteligencia
Secretaría de Programacion para la Prevencion de la Drogadiccion y la Lucha contra el Narcotrafico
Subsecretaría Técnica de Planeamiento y Control del Narcotráfico
Subsecretaría de Planificación, Prevención y Asistencia

Secretaría de Cultura
Subsecretaría de Gestión Cultural
Subsecretaría de Industrias Culturales
Casa Militar
Secretaría de Ambiente y Desarrollo Sostenible
Subsecretaría de Control y Fiscalización Ambiental y Prevención de la Contaminación
Subsecretaría de Coordinación de Políticas Ambientales
Subsecretaría de Planificación de Política Ambiental
Subsecretaría de Promoción del Desarrollo Sostenible
Secretaría de Coordinación Administrativa y Evaluación Presupuestaria
Subsecretaría de Evaluación de Presupuesto Nacional
Subsecretaría de Evaluación de Proyectos con Financiamiento Externo
Subsecretaría de Coordinación Administrativa
Secretaría de Relaciones Parlamentarias
Subsecretaría de Relaciones Institucionales
Secretaría de la Gestión Pública
Subsecretaría de Gestión y Empleo Público
Subsecretaría de Tecnologías de Gestión
Secretaría de Medios de Comunicación
Subsecretaría de Gestión de Medios
Subsecretaría de Comunicación y Contendidos de Difusión
Subsecretaría de Comunicación Estratégica
Secretaría de Gabinete
Subsecretaría para la Reforma Institucional y Fortalecimiento de la Democracia
Secretaría de Integración Nacional
Subsecretaría de Planificación y Gestión para la Integración Nacional
Subsecretaría de Ejecución Operativa
Secretaría de Política Económica
Subsecretaría de Coordinación Económica
Subsecretaría de Programación Económica
Secretaría de Comercio Interior
Subsecretaría de Defensa del Consumidor
Secretaría de Finanzas
Subsecretaría de Servicios Financieros
Subsecretaría de Financiamiento
Secretaría de Hacienda
Subsecretaría de Presupuesto
Subsecretaría de Relaciones con Provincias
Subsecretaría de Ingresos Públicos

Secretaría Legal y Administrativa
Subsecretaría Legal
Subsecretaría de Administración y Normalización Patrimonial
Subsecretaría de Relaciones Institucionales
Secretaría de Asuntos Militares
Subsecretaría de Asuntos Técnico Militares
Subsecretaría de Formación
Secretaría de Planeamiento
Subsecretaría de Planificación Logística y Operativa de la Defensa
Subsecretaría de Innovación Científica y Tecnológica
Subsecretaría de Asuntos Internacionales de la Defensa
Subsecretaría de Coordinacion
Secretaría de Interior
Subsecretaría de Interior
Secretaría de Asuntos Politicos
Subsecretaría de Asuntos Politicos y Electorales
Secretaría de Provincias
Subsecretaría de Desarrollo y Fomento Provincial
Secretaría de Asuntos Municipales
Subsecretaría de Gestión Municipal
Subsecretaría de Coordinacion
Agencia Nacional de Gestión Informática
Secretaría de Política, Regulación e Institutos
Subsecretaría de Gestión de Servicios Asistenciales
Subsecretaría de Políticas, Regulación y Fiscalización
Secretaría de Promoción y Programas Sanitarios
Subsecretaría de Salud Comunitaria
Subsecretaría de Prevención y Control de Riesgos
Secretaría de Determinantes de la Salud y Relaciones Sanitarias
Subsecretaría de Relaciones Sanitarias e Investigación
Secretaría de Coordinacion
Subsecretaría de Coordinacion Administrativa
Subsecretaría de Planificación Territorial de la Inversión Pública
Subsecretaría de Coordinación y Control de Gestión
Subsecretaría Legal
Secretaría de Obras Públicas
Subsecretaría de Desarrollo Urbano y Vivienda
Subsecretaría de Coordinación de Obras Públicas Federales
Subsecretaría de Recursos Hídricos
Subsecretaría de Obras Públicas
Secretaría de Comunicaciones
Secretaría de Energía

Subsecretaría de Energía Eléctrica
Subsecretaría de Combustibles
Secretaría de Minería
Secretaría de Transporte
Subsecretaría de Puertos y Vías Navegables
Subsecretaría de Transporte Ferroviario
Subsecretaría de Transporte Aero comercial
Subsecretaría de Transporte Automotor
Secretaría de Relaciones Exteriores
Subsecretaría de Relaciones Institucionales
Subsecretaría de Política Latinoamericana
Subsecretaría de Política Exterior
Secretaría de Coordinación y Cooperación Internacional
Subsecretaría Legal, Técnica y Administrativa
Secretaría de Comercio y Relaciones Económicas Internacionales
Subsecretaría de Integración Económica Americana y MERCOSUR
Subsecretaría de Comercio Internacional
Subsecretaría de Desarrollo de Inversiones
Secretaría de Culto
Subsecretaría de Culto
Subsecretaría de Programación Técnica y Estudios Laborales
Subsecretaría de Coordinación
Secretaría de Trabajo
Subsecretaría de Relaciones Laborales
Subsecretaría de Fiscalización del Trabajo y de la Seguridad Social
Secretaría de Empleo
Subsecretaría de Políticas de Empleo y Formación Profesional
Subsecretaría de Promoción del Sector Social de la Economía
Secretaría de Seguridad Social
Subsecretaría de Políticas de la Seguridad
Subsecretaría de Coordinación e Innovación
Subsecretaría de Planificación Estratégica
Secretaría de Justicia
Subsecretaría de Asuntos Penitenciarios
Subsecretaría de Política Criminal
Subsecretaría de Relaciones con el Poder Judicial
Secretaría de Asuntos Registrales
Subsecretaría de Asuntos Registrales
Secretaría de Seguridad Interior
Subsecretaría de Seguridad Ciudadana
Subsecretaría de Seguridad en los Espectáculos Futbolísticos
Secretaría de Derechos Humanos

Subsecretaría de Protección de Derechos Humanos
Subsecretaría de Promoción de Derechos Humanos
Secretaría de Educacion
Subsecretaría de Equidad y Calidad Educativa
Subsecretaría de Planeamiento Educativo
Secretaría de Politicas Universitarias
Subsecretaría de Coordinación Administrativa
Secretaría de Coordinación y Monitoreo Institucional
Subsecretaría de Comercialización de la Economía Social
Secretaría de Economía Social
Subsecretaría de Fortalecimiento Institucional
Subsecretaría de Organización de Ingresos Sociales
Secretaría de Organización y Comunicación Comunitaria
Subsecretaría de Organización y Capacitación Popular
Secretaría de Gestion y Articulacion Institucional
Subsecretaría de Abordaje Territorial
Subsecretaría de Políticas Alimentarias
Secretaría Nacional de Niñez, Adolescencia y Familia
Subsecretaría de Derechos para la Niñez, Adolescencia y Familia
Subsecretaría de Desarrollo Institucional e Integración Federal
Secretaría de Deportes
Subsecretaría de Planeamiento y Gestión Deportiva
Subsecretaría de Recursos Deportivos
Subsecretaría de Coordinacion
Secretaría de Turismo
Subsecretaría de Desarrollo Turístico
Subsecretaría de Promoción Turística Nacional
Subsecretaría de Coordinacion Administrativa
Secretaría de Planeamiento y Políticas de Ciencia, Tecnologia e Innovacion
Subsecretaría de Estudios y Prospectiva
Subsecretaría de Políticas de Ciencia, Tecnologia e Innovacion Productiva
Secretaría de Articulacion Cientifico Tecnologia
Subsecretaría de Coordinacion Institucional
Subsecreteria de Evaluacion Institucional
Subsecretaría de Coordinacion
Secretaria de Industria y Comercio
Subsecretaría de Industria
Subsecretaría de Política y Gestión Comercial
Secretaría de la Pequena y Mediana Empresa y Desarrollo Regional
Subsecretaría de Política y Gestión de la Pequeña y Mediana Empresa y del Desarrollo
Subsecretaría de Promoción al Financiamiento de la Pequeña y Mediana Empresa
Subsecretaría de Coordinacion Tecnica y Administrativa

Secretaría de Agricultura, Ganadería y Pesca
Subsecretaría de Agricultura
Subsecretaría de Ganadería
Subsecretaría de Lechería
Subsecretaría de Pesca y Acuicultura
Secretaría de Desarrollo Rural y Agricultura Familiar
Subsecretaría de Desarrollo de Economías Regionales
Subsecretaría de Agricultura Familiar
Secretaría Relaciones Institucionales
Subsecretaría de Coordinación Institucional
Subsecretaría de Comunicación Institucional
Unidad de Planificación y Evaluación de la Educación
Consejo Nacional de Coordinación de Políticas Sociales
Secretaría de Políticas Sociales y Desarrollo Humano
Secretaría del Consejo Federal de Educación
Secretaría de Estrategia y Asuntos Militares
Banco Central de la República Argentina
Fondo Fiduciario Anticíclico
Procuración del Tesoro de la Nación
Comisión Nacional de Museos y Monumentos Históricos
Instituto Nacional Browniano
Instituto Nacional Newberiano
Instituto Nacional de Investigaciones Históricas Eva Perón
Instituto Nacional de Investigaciones Históricas Juan M de Rosas
Instituto Nacional Belgraniano
Instituto Nacional Sanmartiniano
Comisión Nacional Protectora de Bibliotecas Populares
Museo Nacional de Bellas Artes
Agencia Nacional de Promoción Científica y Tecnológica
Comisión Nacional de Pensiones Asistenciales
Comisión Nacional de Coordinación del Programa de Promoción del Microcrédito para el Desarrollo de la Economía Social
Instituto Nacional de Educación Tecnológica Nacional
Instituto Nacional de Formación Docente
Archivo Nacional de la Memoria
Servicio Penitenciario Federal National Penitentiary Service
Policía de Seguridad Aeroportuaria
Órgano de Control de Concesiones Viales
Organismo Nacional de Administración de Bienes
Instituto Nacional del Cáncer
Prefectura Naval Argentina
Policía Federal Argentina

Gendarmeria Nacional
Comision Nacional de Defensa de la Competencia
Comision Nacional de Comercio Exterior
Instituto Nacional de Estadistica y Censo
Comisión Nacional de Tierras para el Hábitat Social. "Padre C. Mugica"
Comisión Nacional Coordinadora de Políticas Públicas en Materia de Prevención y Control del Tráfico Ilícito de Estupefacientes, la Delincuencia Organizada Transnacional y la Corrupción
Consejo Nacional de Investigaciones Científicas y Técnicas
Banco Nacional de Datos Geneticos
Biblioteca Nacional
Fondo Nacional de las Artes
Instituto Nacional del Teatro
Teatro Nacional Cervantes
Instituto Nacional de Investigaciones y Desarrollo Pesquero
Instituto Nacional de Semillas
Instituto Nacional de Tecnologia Agropecuaria
Instituto Nacional de Vitivinicultura
Servicio Nacional de Sanidad y Calidad Agroalimentaria
Instituto de Ayuda Financiera para Pago de Retiros y Pensiones Militares
Instituto de Investigaciones Científicas y Técnicas para la Defensa
Instituto Geográfico Nacional
Secretaría Nacional de Ninez, Adolescencia y Familia
Instituto Nacional de Asociativismo y Economía Social
Instituto Nacional de Asuntos Indígenas
Administración Federal de Ingresos Públicos
Comisión Nacional de Valores
Superintendencia de Seguros de la Nacion
Tribunal Fiscal de la Nación
Comisión Nacional de Evaluación y Acreditación Universitaria
Fundación Miguel Lillo
Administración de Parques Nacionales
Instituto Nacional de la Propiedad Industrial
Instituto Nacional de Tecnologia Industrial
Dirección Nacional de Migraciones
Direccion Nacional del Registro Nacional de las Personas
Caja de Retiros, Jubilaciones y Pensiones de la Policía Federal Argentina
Instituto Nacional contra la Discriminación, la Xenofobia y el Racismo
Comisión Nacional de Energia Atómica
Dirección Nacional de Vialidad
Fondo Fiduciario Federal de Infraestructura Regional

Comisión Nacional de Comunicaciones
Ente Nacional Regulador de la Electricidad
Ente Nacional Regulador del Gas
Comisión Nacional de Regulación del Transporte
Administración Nacional de Aviación
Junta de Investigaciones de Accidentes de Aviación Civil
Organismo Regulador del Sistema Nacional de Aeropuertos
Tribunal Nacional de Defensa de la Competencia
Instituto Nacional de Recursos de la Seguridad Social
Servicio Meteorológico Nacional
Agencia Nacional de Seguridad Vial
Oficina Nacional de Control Comercial Agropecuario
Instituto Nacional de Promoción Turística
Agencia de Planificación
Dirección General de Fabricaciones Militares General
Delegación Técnico Administrativa
Unidad Auditoria Interna
Dirección de Comunicación Social
Dirección Nacional de Inteligencia Estratégica Militar
Coordinadora de Ceremonial
Estado Mayor Conjunto de las Fuerzas Armadas
Estado Mayor General de la Armada
Estado Mayor General de la Fuerza Aérea
Estado Mayor General del Ejército
Agencia Nacional de Seguridad Vial
Ente Cooperador Penitenciario
Órgano de Control de Concesiones Viales
Auditoría General de la Nación
Fondo del Bicentenario para el Desendeudamiento y la Estabilidad Económica
Fondo Nacional de la Vivienda
Fondo Federal Solidario
Comisión Federal de Impuestos
Fondo de Garantía de Sustentabilidad
Fondo Fiduciario para el Desarrollo
Fondo Fiduciario de Reconstrucción de Empresas
Fondo Financiero para el Desarrollo de la Cuenca del Plata
Fondo Unificado de Cuentas Corrientes Oficiales
Agencia Nacional de Desarrollo de Inversiones - ProsperAr
Área de Origen de Mercaderías
Centro de Economía Internacional
Comisión de Seguimiento del Sector de la Construcción
Consejo Federal Pesquero

Dirección de Competencia Desleal
Dirección Nacional de Política Comercial Externa
Oficina Nacional de Contrataciones
Zonas Francas
Fondo Fiduciario del Sistema de Infraestructura de Transporte
Fideicomiso Sistema Vial Integrado
Sistema Ferroviario Integrado
Fondo Nacional de Energía Eléctrica
Fondo Fiduciario para el Transporte Eléctrico Federal
Fondo Fiduciario para la Reconstrucción de Empresas
Fondo Fiduciario para Atender Inversiones en Transporte y Distribución de Gas
Fondo Fiduciario para el Desarrollo Provincial
Fondo Fiduciario de Desarrollo de Infraestructura Regional
Tesorería General de la Nación
II. Entities in which Argentina has an ownership interest
Lotería Nacional
Polo Tecnológico Constituyente
EDUC.AR
Administración General de Puertos
Entidad Binacional Yacyreta
Nucleoeléctrica Argentina
Correo Oficial de la República Argentina
Casa de Moneda
Banco de Inversión y Comercio Exterior
Banco de la Nación Argentina
Agua y Saneamientos Argentinos
Construcción de Viviendas para la Armada SE
DIOXITEK
Empresa Argentina de Soluciones Satelitales
Energía Argentina
Yacimientos Carboníferos Río Turbio
Yacimientos Mineros de Agua de Dionisio
Líneas Aéreas Federales
Aerolíneas Argentinas
Nación Administradora de Fondos de Jubilaciones y Pensiones
Talleres Navales Dársena Norte SACIyN
Agencia de Noticias Oficial de la República Argentina
Fabrica Militar de Aviones
Planta Papelera Quilmes
Terminal de Cargas Argentina
Innovaciones Tecnológicas Agropecuarias
Unidad Especial Sistema de Transmisión Yacyretá

Emprendimientos Energéticos Binacionales
TELAM SE
Radio y Televisión Argentina
Administración de Infraestructura Ferroviarias
INTERCARGO S.A.C.
Operadora Ferroviaria
Dirección General de Fabricaciones Militares
Aerohandling
Austral Cielos del Sur
Editorial Universitaria de Buenos Aires SEM
Emprendimiento Productivo y Educativo La Gleba
Energía Argentina Servicios
Fábrica Argentina de Aviones « Brigadier San Martín »
Jet Paq
Nación Bursátil Sociedad de Bolsa
Nación Factoring
Nación Fideicomiso
Nación Leasing
Nación Seguros
Nación Seguros de Retiro
Nación Servicios
Optar
Parque Tecnológico del Litoral Centro SAPEM
Pellegrini SA Gerente de Fondos Comunes de Inversión
Vehículo Espacial de Nueva Generación
Vientos de la Patagonia I
Autoridad Interjurisdiccional de la Cuenca del Río Limay
YPF

ATTACHMENT D: Data Elements of Payment Transactions and Instructions

Transaction Description ¹	Credit Party ID
Transaction Date	Credit Party Name
Transaction Amount	Credit Party Address (Lines, 1,2,3,4)
Message Type	Credit Party Country
Currency	Originating Bank
SWIFT BIC	Originating Bank Country
Originating Party ID	Beneficiary Bank
Originating Party Name	Beneficiary Bank Country
Originating Party Address (Lines 1,2,3,4)	Sending Bank
Originating Party Country	Sending Bank Country
Beneficiary Party ID	Receiving Bank
Beneficiary Party Name	Receiving Bank Country
Beneficiary Party Address (Lines 1,2,3,4)	Intermediary Bank
Beneficiary Party Country	Intermediary Bank Country
Reference Number	Bank to Bank Information
SWIFT 20	Originator to Beneficiary Information
SWIFT 21	Bank to Bank Intermediary Information
By Order Party ID	Bank to Bank Beneficiary Information
By Order Party Name	Reference for the Beneficiary
By Order Party Address (Lines 1,2,3,4)	Debit Party ID
By Order Party Country	Debit Party Name
Instructing Party ID	Debit Party Address (Lines 1,2,3,4)
Instructing Party Name	Debit Party Country
Instructing Party Address (Lines 1,2,3,4)	
Instructing Party Country	

¹ Fed In, Fed Out, CHIPS In, CHIPS Out, SWIFT In, SWIFT Out, Book-transfers in and out