

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

JOHN GREGORY LAMBROS,

Plaintiff - Appellant

Vs.

**Federative Republic of Brazil and State of Rio
De Janeiro of the Federative Republic of Brazil,**

Defendant - Appellees.

CASE NO.

21-7121

**On Appeal from the United States District Court
For the District of Columbia
Case No. 19-cv-01929-TSC**

APPELLANT'S REPLY BRIEF

**John Gregory Lambros
Appellant - Pro-Se**

**APPELLANT LAMBROS' "REPLY BRIEF" TO APPELLEES FEDERATIVE
REPUBLIC OF BRAZIL, et al. - BRIEF. DATED: MARCH 17, 2022:
(Case No. 21-7121)(Doc. 1939458)**

1. COMES NOW, Appellant - Movant JOHN GREGORY LAMBROS, (Hereinafter "MOVANT"), Pro Se, and request this Court to construe this filing liberally. See, HAINES vs. KERNER, 404 U.S. 519 , 520-21 (1972).
2. In support of this request Appellant relies upon the record in this case and the following facts that are submitted in affidavit form herein. Therefore, Appellant restates and incorporates all pleadings, motions, exhibits, testimony and documents filed within this action. See, F.R.C.P. 10(c).
3. JOHN GREGORY LAMBROS, Movant/Appellant in the above-entitled action, stating in affidavit form, **OPPOSITION** to Appellees "**BRIEF OF APPELLEES**", filed on March 17, 2022 (Document # 1939458) in response to Appellant Lambros' "Appeal Brief", filed on February 7, 2022.
4. John Gregory Lambros declares under penalty of perjury:
5. I am the Appellant in the above entitled case.
6. Appellant Lambros **DENIES EACH AND EVERY MATERIAL ALLEGATION CONTAINED WITHIN** Appellees "**BRIEF OF APPELLEES**", filed on March 17, 2022, except as hereinafter may be expressed and specifically admitted.

LEGAL STANDARDS REFERENCED HEREIN

7. Fed. R. Civ. P. 59(e):

“Rule 59(e) permits a party to file a motion to alter or amend a judgment within twenty-eight days of the entry of that judgment. Fed. R. Civ. P. 59(e). Motions under Rule 59(e) are "disfavored," and the moving party bears the burden of establishing "extraordinary circumstances" warranting relief from a final judgment. [Niedermeier v. Office of Baucus](#), 153 F. Supp. 2d 23, 28 (D.D.C. 2001). Rule 59(e) motions are **"discretionary and need not be granted unless the district court finds that there is** an intervening change of controlling law, the availability of new evidence, or **the need to correct a clear error or prevent manifest injustice."** [Firestone v. Firestone](#), 76 F.3d 1205, 1208 (D.C. Cir. 1996) (internal quotation marks omitted).” See, **Chien v. U.S. Sec. Exch. Comm’n, Civil Action No. 17-2334 (CKK), United States District Court, District of Columbia. September 28, 2020.**

8. Appellant Lambros **has met the standard for reconsideration here**. Appellant Lambros has identified **clear error and need to prevent manifest injustice**.

9. **D.C. CIR. R. 28(a)(1)(B):** ("Rulings Under Review") (requiring that an appellant's Rule 28(a)(1) statement make "[a]ppropriate references . . . to each ruling at issue in this court, including the date . . . and any official citation"); *see also* D.C. CIR. R. 15(c)(3) (requiring appellants to attach provisional Rule 28(a)(1) statements to their docketing statements). See, **Messina v. Krakower**, 439 F.3d 755, 759 (D.C. Cir. 2006):

“According to the defendants, that should end this appeal. They note that the notice of appeal that Messina filed in the district court designated only the June 12, 2003 Order denying the Rule 59(e) motion and did not mention the May 8, 2003 Order granting summary judgment. The defendants ignore, however, the Rule 28(a)(1) statement that Messina filed with this court, which specified her intention to appeal from both orders and attached a copy of each. See D.C. CIR. R. 28(a)(1)(B) ("Rulings Under Review") (requiring that an appellant's Rule 28(a)(1) statement make "[a]ppropriate references . . . to each ruling at issue in this court, including the date . . . and any official citation"); *see also* D.C. CIR. R. 15(c)(3) (requiring appellants to attach provisional Rule 28(a)(1) statements to their docketing statements).

This circuit adheres to the "rule that a mistake in designating the specific judgment or order appealed from should not result in loss of the appeal as long as the intent to appeal from a specific judgment can be fairly inferred from the appellant's notice (and subsequent filings) and the opposing party is not misled by the mistake." [*Foretich v. ABC*, 198 F.3d 270, 274 n. 4 \(D.C. Cir. 1999\)](#). Messina's Rule 28(a)(1) filing removed any doubt regarding her intent to appeal from the May 8 as well as the June 12 Order, and likewise eliminated any possibility that the defendants could have been misled in that regard. Indeed, at oral argument, the defendants conceded that the Rule 28(a)(1) statement clearly indicated Messina was challenging both orders and that they were not misled. Oral Arg. Tape at 20:39. Accordingly, Messina's challenge to the district court's May 8 grant of summary judgment is properly before us.¹³

10. Appellant Lambros **has met the standard for reconsideration here**. See, A. November 13, 2021, Appellant Lambros' cover letter to the Clerk of the Court to file motions and documents as per the ORDER filed on October 28, 2021, which Included: **EXHIBIT A**.
1. Statement of issues to be raised. See, **EXHIBIT B**.
 2. Underlying decisions from which Appeal or Petition Arises. See, **EXHIBIT C**.

APPELLANT'S RESPONSE TO "BRIEF OF APPELLEES"

11. **Page 7-8:** Appellees state "The Notice of Appeal did not designate for appeal the District Court's Order entering judgment or any of its prior orders." This is not true. Appellant specified his intention to appeal from all orders. See D.C. CIR. R. 28(a)(1)(B). Also see, Paragraphs 9 and 10 above and **EXHIBITS A,B, and C**..
12. **Page 13-14:** Appellees state "The Notice of Appeal was limited to the District Court's October 8, 2021 ORDER denying the Rule 59(e) motion. See, D.E. 43.

Appellant did not designate for appeal the District Court's May 6, 2021 judgment, nor any other ORDER of the District Court. Accordingly the appeal is limited to the District Court's Rule 59(e) Order." This is not true. Appellant Lambros specified his intention to appeal from all orders. See D.C. CIR. R. 28(a)(1)(B). Also see, Paragraphs 9 and 10 above and **EXHIBITS A,B, and C.**

13. Pages 13-16: Appellees state "The District Court Did Not Abuse its Discretion In Denying Appellant's Rule 59(e) Motion." This is not true. The district court erred when it did not correct a clear error or prevent manifest injustice." [*Firestone v. Firestone*, 76 F.3d 1205, 1208 \(D.C. Cir. 1996\)](#). Appellant Lambros clearly provided proof that Appellees Brazil et al. were served the complaint and summons which they docketed within Appellees own Court docketing system on September 13, 2017. Appelles filed for removal on June 27, 2019 - SIX HUNDRED AND FIFTY TWO (652) DAYS TOO LATE. The statute requires - as per the clarification of the U.S. Supreme Court (the Supreme Court holding in *Murphy Bros. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344 (1999) construed that thirty-day (30) removal clock to begin counting down only after the defendant has received the complaint and formal service) that the Appellees' file a notice of removal within 30 days of being served. 28 U.S.C. 1446(b)(1). In addition to the 30-day time limits, diversity cases **must be** removed within "1 year after commencement of the action, unless the district court finds that the plaintiff has acted in bad faith in order to prevent a defendant from removing the action." 28 U.S.C. § 1446(c)(1). See, *Home Depot U.S.A., Inc. v. Jackson* - 139 S. Ct. 1743, 1746 (2019). Also see, Federal Rules of Civil Procedure, Rule 81(c)(2)(C)("7 days after notice of removal is filed - Appellee's where one day to late - See, Pages 24-25, Paragraphs 16

and 17 of Appellant Lambros' "APPEAL BRIEF"). Appellee's defenses or objections are not valid in this action.

Additionally, the district court did not follow the **SET IN STONE** rulings of this circuit and other circuits which require the Court to settle the parties' dispute regarding **REMOVAL BEFORE IT COMTEMPLATES OTHER RELIEF** when improperly removed from State Court to Federal Court. See, *Lazarus v. KARIZAD, LLC*, No. 1: 20-cv-1787-RCL (United States District Court, District of Columbia. Feb. 26, 2021). Senior Judge Royce C. Lamberth - former Chief Judge 2008-2013 - ruled in *Lazarus* stating "Because the Court **must settle** the parties' dispute about the propriety of Wilmington's **removal before it may contemplate other relief**, the Court turns to Lazarus's motion to remand." "It will also DENY Wilmington's motion to dismiss, ECF No. 7, since this case was improperly removed." (emphasis added)

14. Pages 17-23: Appellees state, "The District Court Properly Dismissed the Complaint for Lack of Subject Matter Jurisdiction (**Lambros' Issue 4**)". This is not true. Appellant incorporates and restates ISSUE FOUR (4) within his Appeal Brief and Exhibits (pages 36 thru 44). Also, this issue **should not even be considered** by this Court, as this action was improperly removed from the Superior Court and the district court may not contemplate other relief for Appellees. See, Paragraph 13 above, *Lazarus v. KARIZAD, LLC*, No. 1: 20-cv-1787-RCL (United States District Court, District of Columbia. Feb. 26, 2021)("Because the Court **must settle** the parties' dispute about the propriety of Wilmington's **removal before it may contemplate other relief**").

MAY 06, 2021: Judge Chutkan did not address the commercial activity of the **District of Columbia Consumer Protection Act (“DCCPPA”)** codified under D.C. **Code 28-3901 et seq.** and/or the other issues raised within Appellant Lambros’ complaint under the umbrella of the “Act of State Doctrine” and other applicable laws.

As to FSIA’s Commercial Activity Exception.

The FSIA’s legislative history also provides guidance as to what constitutes a commercial activity. A profit motive may not be necessary for an activity to have commercial character. FSIA’s legislative history, **House Report at 6614-15**, mentions foreign government sales of services or products, leases of property, borrowing of money, employment or engagement of laborers, clerical staff, **PUBLIC RELATIONS** or **MARKETING AGENTS**, or investment in U.S. securities. Numerous U.S. court decisions have reflected this perspective, as the case annotations to the appropriate section of the U.S. Code (i.e., 28 U.S.C.. 1603(d)) illustrate. Appellee’s Brazil, et al. **published, distributed, promoted, advertised, marketed, sold, and solicited** the new 1988 Brazilian Constitution (October 5, 1988), Treaty of Extradition between Brazil and the United States of America and the laws of Brazil, within the District of Columbia and the United States of America. **Publishing, distributing, promoting, advertising, marketing, selling, and soliciting are all commercial activities in the United States.**

Unlawful Trade Practices, D.C. Consumer Protection Act (“DCCPPA”), codified under D.C. Code 28-3901 et seq.

THE STATUTORY SCHEME

15. "The Consumer Protection Procedures Act is a comprehensive statute designed

to provide procedures and remedies for a broad spectrum of practices which injure consumers." [Atwater v. District of Columbia Dep't of Consumer & Reg. Affairs, 566 A.2d 462, 465 \(D.C.1989\)](#). While the CPPA enumerates a number of specific unlawful trade practices, see **D.C.Code § 28-3904**, the enumeration is not exclusive. See [Atwater, 566 A.2d at 465](#). A main purpose of the CPPA is to "assure that a just mechanism exists to remedy **all improper trade practices**." D.C.Code § 28-3901(b)(1) (emphasis added). **Trade practices that violate other laws, including the common law, also fall within the purview of the CPPA.** See [Atwater, 566 A.2d at 465-66](#) (citing D.C.Code § 28-3905(b)); accord, [Osbourne v. Capital City Mortg. Corp., 727 A.2d 322, 325-26 \(D.C.1999\)](#) ("[T]he CPPA's extensive enforcement mechanisms apply not only to the unlawful trade practices proscribed by § 28-3904, but to all other statutory and common law prohibitions."). See, [District Cablevision Ltd. P'ship v. Bassin, 828 A.2d 714, 723 \(D.C.2003\)](#). (emphasis added)

16. The Appeals Court also stated in [Atwater, 566 A.2d at 466 \(D.C.1989\)](#):

In addition to providing administrative procedures and remedies, the Act authorizes a consumer to bring a civil action for violations of the Act and of other statutes "**within the jurisdiction of the Office.**" **§ 28-3905(k)(1).**" (emphasis added)

The Act defines the term "trade practice" broadly, to embrace "any act which does or would create, alter, repair, furnish, make available, **PROVIDE INFORMATION ABOUT**, or, directly or **indirectly**, solicit or offer for or effectuate, a sale, lease or transfer, of consumer goods or services." § 28-3901(a)(6). "Goods and services" are defined to include "any and all parts of the economic output of society." § 28-3901(a)(7). (emphasis added)

Although § 28-3904 makes a host of consumer trade practices unlawful, its list of such practices **was not designed to be exclusive**. The remainder of the statute obviously contemplates that procedures and sanctions provided by the

Act will be used to **enforce trade practices made unlawful by other statutes**. If the § 28-3904 listing were exclusive, the references in § 28-3905 to other laws and to the common law would serve no purpose. (emphasis added)

17. Appellant Lambros' original complaint includes the following unlawful trade practices against Appellees Brazil et al., violations of D.C. Code 28-3904(a), (d), (e), (e-1), (f), (f-1), (g), (h), (u), and (v). See, original complaint pages 26 thru 34, paragraphs 80 thru 134 and pages 126 thru 127, paragraph 472.

APPELLEES WAIVED DEFENSE OF JURISDICTION IMMUNITY

18. **PAGES 22-23:** Appellees state, "The Waiver Exception Does Not Apply". "Appellant's argument that the District Court erred in ruling that Brazil did waive immunity by entering into its extradition treaty with the United States must also be rejected." Also stating, "**Appellant derives no assistance by arguing that extradition treaties are 'deemed self-executing.'**" Page 23. This is not true.

19. Treaty of Extraditions are **SELF-EXECUTING**. "Extradition treaties by their nature are **DEEMED SELF-EXECUTING...**" See, United States of America vs. Rafael CARO-QUINTERO, et al, 745 F.Supp. 599, 607 (C.D. Calif. 1990). The following quotes from the case will assist this court: [No. CR 87-422\(F\)-ER.](#)

B. Invoking an Extradition Treaty in U.S. Courts

1. self-executing vs. executory treaties

“Treaties are the "Supreme Law of the Land." U.S. Const. art. VI, cl. 2. However, the American legal system recognizes a distinction between "self-executing" treaties and "executory" treaties. A self-executing treaty is federal law which must be enforced in federal court unless superseded by other federal law. A self-executing treaty is enforceable without resort to implementing legislation by Congress. On the other hand, an executory treaty is not enforceable until Congress has enacted implementing legislation. Absent such legislation, an infraction of an executory treaty "becomes the subject of international negotiations and reclamations, so far as the injured party chooses to seek redress...." [Head Money Cases, 112 U.S. 580, 598-99, 5 S.Ct. 247, 253-54, 28 L.Ed. 798 \(1884\)](#). An executory treaty is not enforceable in American courts. See generally, Restatement (Third) of the Foreign Relations Law *607 of the United States § 111 (1987) ("Restatement").”

“Extradition treaties by their nature are deemed self-executing and thus are enforceable without the aid of implementing legislation. 1 M. Bassiouni, *International Extradition: United States Law & Practice*, Ch. 2, § 4.1, pp. 71-72, § 4.2, p. 74 (2d ed. 1987) ("Bassiouni").¹¹¹”

2. Standing

Whether a treaty is self-executing is a question distinct from whether a party has standing to enforce its terms. Restatement § 111, comments g, h. **Thus a second question arises. Who may raise a violation of the treaty — the extradited person, the offended sovereign, or both?**

C. Remedy

Under international law, a state that has violated an international obligation to another state is required to terminate the violation and make reparation to the offended state. Restatement § 901. **"[T]he reparation must, as far as possible, wipe out all the consequences of the illegal act and reestablish the situation which would, in all probability, have existed if that act had not been committed."** Restatement § 901 R.N. 3.

Note: The remedy in this present case is to allow Plaintiff to move forward in this action as he has subject-matter jurisdiction . DEFENDANTS HAVE WAIVED THE DEFENSE OF JURISDICTION IMMUNITY.

IV. Supervisory Power

Finally, Dr. Machain seeks dismissal of the indictment under the Court's supervisory power.

A court must not allow itself to be made an "accomplice[] in willful disobedience of law." *McNabb v. United States*, 318 U.S. 332, 345, 63 S.Ct. 608, 615, 87 L.Ed. 819 (1943).

Guided by considerations of justice, a court may exercise its supervisory power as necessary to preserve judicial integrity and deter illegal conduct. *United States v. Hasting*, 461 U.S. 499, 505, 103 S.Ct. 1974, 1978, 76 L.Ed.2d 96 (1983). This Court takes note that Dr. Machain is but one of three defendants named in this indictment, or in preceding indictments in this case, to be brought before this Court by forcible abduction from his homeland.

Today, this Court need not rest its decision upon its supervisory power, and does not do so. However, the Court admonishes the DEA to heed Judge Oakes' warning made fifteen years ago, which this Court now adopts: "[W]e can reach a time when in the interest of establishing and maintaining civilized standards of procedure and evidence, we may wish to bar jurisdiction in an abduction case as a matter not of constitutional law but in the exercise of our supervisory power.... To my mind the Government in its laudable interest of stopping the international drug traffic is by these repeated abductions inviting exercise of that supervisory power in the interest of the greater good of preserving respect for the law." *United States v. Lira*, 515 F.2d 68, 73 (2d Cir.), cert. denied, 423 U.S. 847, 96 S.Ct. 87, 46 L.Ed.2d 69 (1975) (Oakes, J., concurring).

20. Brazil has **WAIVED** its sovereign immunity when it signed the Extradition Treaty with the US. Proof of same is offered within: *Lois FROLOVA vs. UNION OF SOVIET SOCIALIST REPUBLICS*, 761 F.2d 370, 376-377 (7th Cir. 1985), FootNote 9:

"In Part II of this opinion, we discussed the international agreement exception found in 28 U.S.C. Sec. 1604. In the context of waiver of immunity by treaty, sections 1605(a)(1) and 1604 obviously overlap to some extent. If an international agreement is **SELF-EXECUTING** and may therefore be the basis of an action under Sec. 1604--that

is, if it creates rights enforceable by **PRIVATE litigants**--then, in addition, it almost certainly **WAIVES sovereign immunity** under Sec. 1605(a)(1), thus **PROVIDING a dual basis for DISTRICT COURT jurisdiction**. For purposes of this opinion, however, we need not define the interrelationship between the two sections because it is clear that neither the United Nations Charter nor the Helsinki Accords implicitly waives the Soviet Union's immunity from suit" (emphasis added)

THE ABOVE IS COPY OF FOOTNOTE 9, from FROLOVA.

Appellant Failed to Serve Appellees in Accordance with the FSIA.

21. Pages 24-32: Appellees state "**Appellant Failed to Serve Appellees in Accordance with the FSIA.**" **This is not true. June 27, 2017:** The Honorable Judge F. Pan issued an "ORDER" stating that she signed all necessary material to effectuate service under applicable international law, including the Inter-American Convention on Letters Rogatory and the Additional Protocol to the Inter-American Convention on Letters Rogatory and "ORDERED" the Clerk to affix the seal of the Court and mailed the forms to Appellant Lambros and Crowe Foreign Service, the agent for service of process, acting in Appellant's behalf. Both Appellant Lambros and Crowe Foreign Service received the mailing.

22. August 18, 2017, the documents in this case, with signed Inter-American Convention forms and Portuguese translations of all, were forwarded to the U.S. Central Authority for final transmission to the Central Authority for Brazil, to be served upon the **Federative Republic of Brazil** and the **State of Rio de Janeiro of the Federative Republic of Brazil** in accordance with the Inter-American Convention and the laws of Brazil. See, **EXHIBIT D.** (November 5, 2018, Letter from Celeste Ingalls, Director of

Operations, Crowe Foreign Services to the Honorable Florence Y. Pan, Superior Court of the District of Columbia, Civil Division. Please note that two (2) docket sheets from Brazil are attached. -“(attached is a copy of the Brazilian court docket reports for each service”) - that were established when Appellees - Defendants received service of the complaint and summons in this action - **September 13, 2017.**)

23. January 16, 2019: Celiste Ingalls, Director of Operations, Crowe Foreign Services, wrote the Honorable Florence Y. Pan outlining the current status of the process service in this above entitled action. Ms. Ingalls stated: **EXHIBIT E.**

“On January 11, 2019, I received thousands of pages of returned documents from the Brazilian courts (which includes a copy of what was served, etc.) representing the completion of the services requested upon the 2 foreign sovereign defendants in accordance with Title 28 U.S.C. 1608(a)(2). We call these the “proof books” because they are so large. The procedural practice of the Brazilian courts is that any person that touches the documents and forwards them on to the next step in the 12 month Brazilian court process, must complete a formal signed document and all are included in the documents returned because there isn’t one independent page or documents representing the “proof of service”. The entire “book” is considered the proof of service because unless all steps are followed, service was not properly performed.”

“That being said, the documents appear to have been served to the appropriate defendant entities but after completely reviewing them, they returned them with various other documents (such as the original extradition request issued by the federal government while Mr. Lambros was in prison in Brazil).”

24. April 8, 2019: “ORDER” by Judge Pan stating: **EXHIBIT F.**

“Plaintiff [Lambros] availed himself of the services of Crowe Foreign Services to effectuate services on defendants. Based on the documentation received by the Court

from Crowe Foreign Services on November 14, 2018, January 18, 2019, and February 8, 2019, **ALONG WITH THE REPRESENTATION MADE IN COURT ON FEBRUARY 8, 2019, BY CROWE FOREIGN SERVICES' DIRECTOR OF OPERATIONS, CELESTE INGALLS, THE COURT FINDS THAT DEFENDANTS WERE PROPERLY SERVED.**" (emphasis added)

CONCLUSION AND RELIEF REQUESTED WITHIN THIS APPEAL

25. For the foregoing reasons and the relief requested within Appellant Lambros' February 3, 2022 "Appeal Brief and Exhibits", filed February 7, 2022, Appellant requests this Court to declare as not binding and/or not legally valid all

MEMORANDUM OPINIONS AND ORDERS by the Honorable Tanya S. Chutkan, U.S. District Judge, U.S. District Court for the District of Columbia in this civil action.

26. For the reasons stated herein, Appellant Lambros respectfully requests this Honorable Court to grant his Motion to Remand this action to the Superior Court of the District of Columbia, Civil Division, that was denied on November 16, 2021, for a finding of damages.

Respectfully submitted,

John Gregory Lambros, Appellant - Pro Se

UNSWORN DECLARATION UNDER PENALTY OF PERJURY

I, John Gregory Lambros, declare under penalty of perjury that the foregoing is true and correct, as are all the attached exhibits within this Appellant's Reply brief. Title 28 U.S.C. 1746.

Executed: **April 2, 2022:**

John Gregory Lambros, Pro Se

CERTIFICATE OF SERVICE

I JOHN GREGORY LAMBROS, declare under penalty of perjury, pursuant to 28 USC 1746, that I SHIPPED copy of the enclosed above-entitled "**REPLY BRIEF**" and documents to the following clerk of the court and Brazil, et al. attorney's, by placing them in an envelope with correct shipping fees attached and shipping the envelopes from the **United Parcel Service Store - (Foley Hoag LLP, sent U.S. Mail)** on **April 2, 2022:**

2. Clerk, U.S. Court of Appeals for the District of Columbia, U.S. Court of Appeals for the District of Columbia, Room 5205, 333 Constitution Avenue, N.W., Washington, DC 20001-2866;

3. **Foley Hoag LLP, Attn:** Attorney Clara E. Brillemboug, 1717 K St NW, Washington, DC 20006 (**Sent U.S. Mail**)

John Gregory Lambros, Pro Se

November 13, 2021

John Gregory Lambros

~~1759 Van Buren Ave
St Paul, Minnesota 55104~~

United Parcel Service
Guaranteed Delivery

CLERK OF THE COURT
U.S. Court of Appeals for the District of Columbia
Room 5205
333 Constitution Avenue, N.W.
Washington, DC 20001-2866

RE: LAMBROS vs. Federative Republic of Brazil, et al., Case No. 21-7121

APPEAL FROM: U.S. District Court For the District of Columbia,
Civi No. 19-cv-1929 (TSC)

Dear Clerk:

Please file the following motion and documents as per this Court's and/or Clerk's ORDER filed on October 28, 2021, in this above entitled action:

1. MOTION FOR APPOINTMENT OF COUNSEL. DATED: November 12, 2021;
2. CIVIL DOCKETING STATEMENT; DATED: November 12, 2021;
3. TRANSCRIPT STATUS REPORT; DATED: November 12, 2021;
4. ENTRY OF APPEARANCE; DATED: November 12, 2021;
5. CERTIFICATE AS TO PARTIES, RULINGS AND RELATED CASES; DATED: November 12, 2021;
6. STATEMENT OF INTENT NOT TO UTILIZE DEFERRED JOINT APPENDIX; DATED: November 12, 2021;
7. UNDERLYING DECISIONS FROM WHICH APPEAL OR PETITION ARISES; DATED: November 12, 2021;
8. STATEMENT OF ISSUES TO BE RAISED. DATED: November 12, 2021;

EXECUTED ON: November 13, 2021.

John Gregory Lambros, Pro Se

EXHIBIT A.

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

JOHN GREGORY LAMBROS,

Appellant - Plaintiff,

Vs.

Federative Republic of Brazil, et al.,

Appellees - Defendants.

Civil Action No. 21-7121

APPEAL FROM:

U.S. District Court For the District of
Columbia, Civi No. 19-cv-1929 (TSC)

AFFIDAVIT FORM

STATEMENT OF ISSUES TO BE RAISED

Pursuant to the Court's and/or Clerk's order on October 28, 2021, Appellant Lambros believes the following to be the issues he plans to raise to this Court. **Appellant would appreciate if he is not held responsible for all of the following issues and may decide to add more or less, as he is not a lawyer and did not expect that he would be required to conduct all research before the briefing schedule was established. Thank you for your consideration in this matter.**

I. Statement of Issues to be Raised:

A. Whether the District Court erred in failing to apply this Circuit's and the Supreme Court holding in Murphy Bros. v. Michetti Pipe Stringing, Inc., 526 U.S. 342 (1999) (construed that thirty-day (30) removal clock to begin counting down only after the defendant has received the complaint *and* formal service) when Appellees Brazil et

EXHIBIT B.B.

al. were served with the complaint and summons on September 13, 2017, and they did not file for REMOVAL until June 27, 2019 -- SIX HUNDRED AND FIFTY TWO (652) DAYS TOO LATE. The statute requires that the Appellees' file a notice of removal within 30 days of being served. 28 U.S.C. 1446(b)(1).

B. Whether the District Court erred in failing to ORDER Appellees to "SHOW CAUSE" why this case should not be remanded for failure to file a timely "Notice of Removal", when the Court determined that removal to federal court was inappropriately invoked under the circumstances presented in this case and Appellees Brazil et al. own court's docket sheet proving service of complaint and summons on September 13, 2017? Six hundred and fifty-two (652) days too late! 28 U.S.C. 1446(b)(1). Appellant Lambros was PREJUDICED without the "SHOW CAUSE" ORDER and response explaining why Appellees' notice of removal is timely and the Court must enforce 28 U.S.C. 1446(b) strictly so that this pro se Appellant may proceed with this action in his chosen forum. The "strong presumption" against removal places the burden of establishing that removal is appropriate on the Appellees.

C. Whether the District Court erred in granting Appellees Brazil, et al. motion to vacate the Superior Court's entry of default. The District Court erred in determining whether to remand, the district court should construe the removal statute strictly against removal and in favor of remand and give weight to the extent to which the action had progressed before the Superior Court. See, Shamrock Oil & Gas Corp. v. Sheets, 313 U.

EXHIBIT B.

S. 100, 108-09 (1941). Appellee's petition for removal was improvidently filed and the District court erred in granting Appellee's motion to vacate the Superior Court's entry of default.

D. Whether the District Court erred in granting Appellees Brazil, et al. Motion to Dismiss This Action for Want of Jurisdiction. Appellee's petition for removal was improvidently filed. The Act of State Doctrine **does not** preclude this action when the act in question concerns a thing or interest located beyond the confines of the foreign state's territory, as the determining factor is where the act comes to fruition. Appellant Lambros' extradition occurred in Brazil. However, the actual act of Appellees vacating counts within Appellant Lambros criminal indictment had their situs in Minnesota, thus fruition was not completed in Brazil. Other policy rationales, treaties and legal arguments will be offered within briefing of this issue. Please note: Treaty of Extraditions are **SELF-EXECUTING**. "Extradition treaties by their nature are **DEEMED SELF-EXECUTING...**" See, United States of America vs. Rafael CARO-QUINTERO, et al, 745 F.Supp. 599, 607 (C.D. Calif. 1990). Brazil has **WAIVED** its sovereign immunity when it signed the Extradition Treaty with the US. Proof of same is offered within: Lois FROLOVA vs. UNION OF SOVIET SOCIALIST REPUBLICS, 761 F.2d 370, 376-377, FootNote 9:

"In Part II of this opinion, we discussed the international agreement exception found in 28 U.S.C. Sec. 1604. In the context of waiver of immunity by treaty, sections 1605(a)(1) and 1604 obviously overlap to some extent. If an international agreement is **SELF-EXECUTING** and may therefore be the basis of an action under Sec. 1604--that

EXHIBIT B.

is. if it creates rights enforceable by **PRIVATE litigants**--then, in addition, it almost certainly **WAIVES sovereign immunity** under Sec. 1605(a)(1), thus **PROVIDING a dual basis for DISTRICT COURT jurisdiction.** For purposes of this opinion, however, we need not define the interrelationship between the two sections because it is clear that neither the United Nations Charter nor the Helsinki Accords implicitly waives the Soviet Union's immunity from suit" (emphasis added)

E. Whether the District Court erred in not granting Appellant Lambros' Motion for Counsel.

F. Whether the District Court erred in denying Appellant Lambros' timely filed motion under Rule 59(e) of the Federal Rules of Civil Procedure, stating Appellant has asserted nothing to overcome the jurisdictional bar to this action against a foreign state.

Pursuant to 28 U.S.C. 1746, I JOHN GREGORY LAMBROS, declare under penalty of perjury that the foregoing is true and correct.

EXECUTED ON: November 12, 2021.

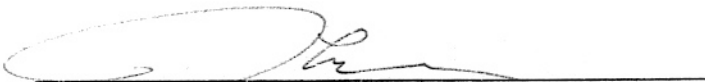

John Gregory Lambros, Pro Se

EXHIBIT B.

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

JOHN GREGORY LAMBROS,

Appellant - Plaintiff,

Vs.

Federative Republic of Brazil, et al.,

Appellees - Defendants.

Civil Action No. 21-7121

APPEAL FROM:

U.S. District Court For the District of
Columbia, Civi No. 19-cv-1929 (TSC)

AFFIDAVIT FORM

UNDERLYING DECISIONS FROM WHICH APPEAL OR PETITION ARISES

Pursuant to the Clerk's and/or Court's Order of October 28, 2021, Appellant Lambros hereby submits the underlying decisions from which this appeal or petition arises.

1. **NOVEMBER 16, 2020: "MEMORANDUM OPINION AND ORDER"** by the Honorable Tanya S. Chutkan, U.S. District Judge, U.S. District Court for the District of Columbia, response to Appellant Lambros' **"MOTION TO REMAND"**. Honorable Judge Chutkan stated:

"(28 U.S.C.) Section 1441(d) explicitly authorizes foreign state defendants to remove a case to the federal district court embracing the State where the action is pending, and it permits enlarging the thirty-day limit "at any time for cause shown. Id. **Plaintiff has identified no plausible defect to support remanding the case.** Although the removal deprives Superior Court of "all jurisdiction over

EXHIBIT C.

the case," ... the entry of default remains "in full force and effect until dissolved or modified by the district court," 28 U.S.C. 1450 Paragraph 3, applying federal law. See, Granny Goose Foods, Inc. vs. Bhd. of Teamsters & Auto Truck Drivers Local No. 70 of Alameda Cty., 415 U.S. 423, 437 (1974)("Once a case has been removed to federal court, it is settled that federal rather than state law governs the future course of proceedings, notwithstanding state court orders issued prior to removal.")" (emphasis added)

"ORDERED that Plaintiff's **motion for remand**, ECF No. 10 is **DENIED;**"
(emphasis added)

"ORDERED that Defendants' **motion to vacate the Superior Court's entry of default, ECF No. 7, is GRANTED,** and all other unresolved motions, ECF Nos. 14, 16, are **DENIED;**" (emphasis added)

Please note: Appellant Lambros has **CLEARLY OUTLINED** clear error in the lower Court's prior rulings on this issue and explained how it **must be reconsidered to prevent manifest injustice,** as **Appellees Brazil et al. were served on September 13, 2017 and requested removal to the District Court on June 27, 2019. Result: 653 days too late!** It is 653 days from the start date to the end date, end date included. Or 1 year, 9 months, 15 days including the end date. Or 21 months, 15 days including the end date. **See EXHIBIT A. (September 13, 2017, DOCKET SHEET from the Brazilian Courts as to the receipt of Appellants complaint against Appellees.)**

See, **MURPHY BROTHERS, INC. V. MICHETTI PIPE STRINGING, INC., 526 U.S. 344 (1999)** The governing provision is 28 U.S.C. § 1446(b), which specifies, in relevant part, that the removal notice "shall be filed within **thirty (30) days** after the receipt by

EXHIBIT C.

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the defendant, through service or otherwise, of a copy of the [complaint]. Appellees filed **653 DAYS TO LATE TO THE COURT.**

2. **MAY 06, 2021:** U.S. District Court Judge Tanya S. Chutkan issued a "MEMORANDUM OPINION" AND "ORDER" TO "GRANT DEFENDANTS' MOTION TO DISMISS THIS ACTION FOR WANT OF JURISDICTION". Judge Chutkan stated, "Defendants argue that Plaintiff has not met his burden of establishing jurisdiction under the Foreign Sovereign Immunities Act (FSIA). Mem. at 17-27. The court agrees." Defendants requested dismissal under Federal Rule of Civil Procedure 12(b)(1) for lack of subject-matter jurisdiction. The Court ORDERED this case DISMISSED and CLOSED. Also,

- A. ORDERED that Defendants' Motion to Dismiss for Lack of Jurisdiction, is GRANTED; it is further
- B. ORDERED that Plaintiff's Motion for Counsel is DENIED.
- C.. This is a final appealable Order.

3. **OCTOBER 8, 2021:** "ORDER" by the Honorable Tanya S. Chutkan, stated:

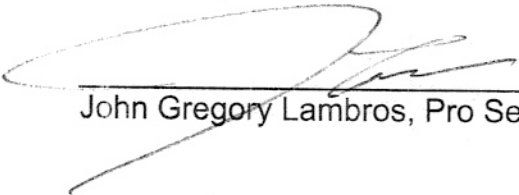
"Plaintiff has filed a timely motion under Rule 59(e) of the Federal Rules of Civil Procedure to alter or amend the May 6, 2021, Order dismissing this case for lack of subject-matter jurisdiction. For the following reasons, the motion will be denied."

EXHIBIT C.

"Plaintiff has asserted nothing to overcome the jurisdictional bar to this action against a foreign state. ... **ORDERED** that Plaintiff's Motion to Alter or Amend judgment is **DENIED**.

Pursuant to 28 U.S.C. 1746, I JOHN GREGORY LAMBROS, declare under penalty of perjury that the foregoing is true and correct.

EXECUTED ON: November 12, 2021.



John Gregory Lambros, Pro Se

EXHIBIT C.

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Fax: (503) 352-1091

Gary A. Crowe
President

Celeste Ingalls
Director of Operations
celeste@foreignservices.com

November 5, 2018

SENT VIA US MAIL

Honorable Florence Y. Pan
Superior Court of the District of Columbia, Civil Division
500 Indiana Avenue, N.W.
Washington, DC 20001

RE: JOHN GREGORY LAMBROS Vs. FEDERATIVE REPUBLIC OF BRAZIL, et. al.
Superior Court of D.C. Case No. 2017-CA-929-B

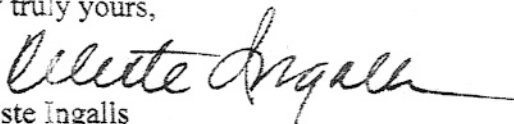
Dear Judge Pan:

At the request of John Gregory Lambros, I have outlined below the process followed, procedures performed to date, and current status of the services requested upon the Federative Republic of Brazil and the State of Rio de Janeiro in Brazil in accordance with the Inter-American Convention:

1. All documents to be served in the above case are required to comply with the Foreign Sovereign Immunities Act, which in Brazil means service in accordance with the Inter-American Convention.
2. On August 18, 2017, all documents in the above case, with the requisite Inter-American Convention documents and Portuguese translations of all, were forwarded to the designated Brazil Ministry of Justice (Central Authority for Brazil) for service upon the Federative Republic of Brazil and the State of Rio de Janeiro in accordance with the Inter-American Convention.
3. UPS International has confirmed that the above documents were received by the Ministry of Justice in Brasilia, Brazil on October 6, 2017.
4. According to the current Brazilian court docket (obtained from the Brazilian court today, November 8, 2018), it *appears* as though all Brazilian court processes have been completed (attached is a copy of the Brazilian court docket reports for each service). We are now simply waiting for the Brazilian court to return the proof paperwork. This is returned in the form of a bound "book", containing dozens of pages of what occurred within the Brazilian court process. Unfortunately, this will be in Portuguese and we have no way of knowing exactly when it will be returned.

Please feel free to contact me directly regarding any questions you have in this matter.

Very truly yours,



Celeste Ingalls
Director of Operations
Crowe Foreign Services

EX. A. - FOR
EXHIBIT C. 10

↓

CR nº 12540 / US (2017/0236054-6) autuado em 13/09/2017

Detalhes

PROCESSO: CARTA ROGATÓRIA

JUSROGANTE: TRIBUNAL DISTRITAL DO DISTRITO DE COLUMBIA

INTERES.: MINISTERIO DA JUSTICA DO BRASIL

PARTE: JOHN GREGORY LAMBROS

A. CENTRAL: MINISTÉRIO DA JUSTIÇA E SEGURANÇA PÚBLICA

LOCALIZAÇÃO: Saída para MINISTÉRIO DA JUSTIÇA em 24/09/2018

TIPO: Processo eletrônico.

AUTUAÇÃO: 13/09/2017

NÚMERO ÚNICO: 0236054-31.2017.3.00.0000

RELATOR(A): Min. PRESIDENTE DO STJ

RAMO DO DIREITO: DIREITO PROCESSUAL CIVIL E DO TRABALHO

ASSUNTO(S): Objetos de cartas precatórias/de ordem, Diligências.

TRIBUNAL DE ORIGEM: SUPERIOR TRIBUNAL DE JUSTIÇA

NÚMEROS

ORIGEM: 08099013360201798, 201704034, 75152017, 8099013360201798 DE

1 volume, nenhum apenso.

ÚLTIMA FASE: 24/09/2018 (15:21) REMETIDOS OS AUTOS (PARA DEVOLUÇÃO À JUSTIÇA ROGANTE) PARA MINISTÉRIO DA JUSTIÇA

Fases

24/09/2018 15:21 Remetidos os Autos (para devolução à justiça rogante) para MINISTÉRIO DA JUSTIÇA (123)

24/09/2018 10:25 Transitado em Julgado em 24/09/2018 (848)

10/09/2018 02:48 ADVOCACIA-GERAL DA UNIÃO intimado eletronicamente da(o) Despacho / Decisão em 10/09/2018 (300104)

31/08/2018 11:47 Juntada de Petição de CieMPF - CIÊNCIA PELO MPF nº 487907/2018 (Juntada Automática) (85)

31/08/2018 11:47 Protocolizada Petição 487907/2018 (CieMPF - CIÊNCIA PELO MPF) em 31/08/2018 (118)

31/08/2018 11:35 MINISTÉRIO PÚBLICO FEDERAL intimado eletronicamente da(o) Despacho / Decisão em 31/08/2018 (300104)

30/08/2018 06:16 Disponibilizada intimação eletrônica (Decisões e Vistas) ao(à) MINISTÉRIO PÚBLICO FEDERAL (300105)

30/08/2018 06:15 Disponibilizada intimação eletrônica (Decisões e Vistas) ao(à) ADVOCACIA-GERAL DA UNIÃO (300105)

30/08/2018 05:34 Publicado DESPACHO / DECISÃO em 30/08/2018 (92)

29/08/2018 19:12 Disponibilizado no DJ Eletrônico - DESPACHO / DECISÃO (1061)

29/08/2018 09:08 Não Concedido o Exequatur (Publicação prevista para 30/08/2018) (12034)

28/08/2018 17:21 Recebidos os autos no(a) COORDENADORIA DA CORTE ESPECIAL (132)

16/04/2018 11:50 Conclusos para julgamento ao(à) Ministro(a) PRESIDENTE DO STJ (Presidente) (51)

EXHIBIT A -

FOR EXHIBIT C.

13/04/201818:37 Juntada de Petição de ParMPF - PARECER DO MPF nº
193380/2018 (Juntada Automática)(85)
13/04/201818:36 Protocolizada Petição 193380/2018 (ParMPF - PARECER
DO MPF) em 13/04/2018 (118)
06/10/201720:34 Disponibilizada cópia digital dos autos à(o) MINISTÉRIO
PÚBLICO FEDERAL (300101)
06/10/201717:07 Autos com vista ao Ministério Público Federal (30015)
06/10/201708:26 Juntada de Petição de IMPUGNAÇÃO nº
520916/2017 (85)
05/10/201719:15 Protocolizada Petição 520916/2017 (IMP -
IMPUGNAÇÃO) em 05/10/2017 (118)
22/09/201710:01 Juntada de Mandado de Intimação nº 000128/2017-
CESP (581)
19/09/201716:52 Recebidos os autos no(a) COORDENADORIA DA CORTE
ESPECIAL (132)
15/09/201714:05 Conclusos para decisão ao(à) Ministro(a) LAURITA VAZ
(Presidente) - pela SJD (51)
14/09/201717:30 Distribuído por competência exclusiva à Ministra
PRESIDENTE DO STJ (26)
14/09/201709:40 Remetidos os Autos (fisicamente) para SEÇÃO DE
EXPEDIÇÃO (123)
14/09/201706:25 Processo digitalizado e validado (30080)

EXHIBIT A. -
FOR
EX. C.

12
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↓ ↓
CR nº 12537 / US (2017/0236039-3) autuado em 13/09/2017

26/09/201815:24 Remetidos os Autos (para devolução à justiça rogante) para MINISTÉRIO DA JUSTIÇA (123)
25/09/201806:53 Transitado em Julgado em 24/09/2018 (848)
24/09/201814:00 Desentranhamento de Certidão de Decurso nº 1313 VI 1 (30013)
24/09/201807:05 Decorrido prazo de JOHN GREGORY LAMBROS em 24/09/2018 para recurso (1051)
10/09/201802:48 ADVOCACIA-GERAL DA UNIÃO intimado eletronicamente da(o) Despacho / Decisão em 10/09/2018 (300104)
04/09/201813:20 Mandado devolvido entregue ao destinatário ESTADO DO RIO DE JANEIRO (Mandado nº 000118-2018-CORDCE) (106)
04/09/201813:20 Arquivamento de documento Mandado de Intimação das publicações nº 000118-2018-CORDCE (Decisões e Vistas) com ciente (30019)
31/08/201811:47 Juntada de Petição de CieMPF - CIÊNCIA PELO MPF nº 487908/2018 (Juntada Automática) (85)
31/08/201811:47 Protocolizada Petição 487908/2018 (CieMPF - CIÊNCIA PELO MPF) em 31/08/2018 (118)
31/08/201811:35 MINISTÉRIO PÚBLICO FEDERAL intimado eletronicamente da(o) Despacho / Decisão em 31/08/2018 (300104)
30/08/201806:16 Disponibilizada intimação eletrônica (Decisões e Vistas) ao(à) MINISTÉRIO PÚBLICO FEDERAL (300105)
30/08/201806:15 Disponibilizada intimação eletrônica (Decisões e Vistas) ao(à) ADVOCACIA-GERAL DA UNIÃO (300105)
30/08/201805:34 Publicado DESPACHO / DECISÃO em 30/08/2018 (92)
29/08/201819:12 Disponibilizado no DJ Eletrônico - DESPACHO / DECISÃO (1061)
29/08/201808:17 Negado seguimento ao pedido de TRIBUNAL DISTRICTAL DO DISTRITO DE COLUMBIA (negado exequatur) (Publicação prevista para 30/08/2018) (30098)
28/08/201817:21 Recebidos os autos no(a) COORDENADORIA DA CORTE ESPECIAL(132)
23/04/201816:20 Conclusos para julgamento ao(à) Ministro(a) PRESIDENTE DO STJ (Relatora) (51)
23/04/201815:46 Juntada de Petição de nº 204511/2018 (85)
20/04/201819:00 Recebidos os autos no(a) COORDENADORIA DA CORTE ESPECIAL(132)
19/04/201812:27 Protocolizada Petição 204511/2018 (PET - PETIÇÃO) em 19/04/2018(118)
16/04/201818:25 Conclusos para julgamento ao(à) Ministro(a) PRESIDENTE DO STJ (Relatora) (51)
13/04/201818:36 Juntada de Petição de ParMPF - PARECER DO MPF nº 193378/2018 (Juntada Automática) (85)

FOR EX. C. EXHIBIT A.

13

9

13/04/2018 18:36 Protocolizada Petição 193378/2018 (ParMPF - PARECER DO MPF) em 13/04/2018 (118)
13/10/2017 19:12 Disponibilizada cópia digital dos autos à(o) MINISTÉRIO PÚBLICO FEDERAL (300101)
13/10/2017 15:01 Autos com vista ao Ministério Público Federal (30015)
10/10/2017 16:36 Juntada de Petição de IMPUGNAÇÃO nº 528560/2017 (85)
10/10/2017 10:21 Protocolizada Petição 528560/2017 (IMP - IMPUGNAÇÃO) em 10/10/2017 (118)
26/09/2017 17:08 Juntada de Mandado de Intimação nº 000129/2017-CESP (581)
22/09/2017 10:03 Juntada de Mandado de Intimação nº 000129/2017-CESP (581)
19/09/2017 16:52 Recebidos os autos no(a) COORDENADORIA DA CORTE ESPECIAL(132)
15/09/2017 14:06 Conclusos para decisão ao(à) Ministro(a) LAURITA VAZ (Presidente) - pela SJD (51)
14/09/2017 16:30 Distribuído por competência exclusiva à Ministra PRESIDENTE DO STJ(26)
14/09/2017 09:40 Remetidos os Autos (fisicamente) para SEÇÃO DE EXPEDIÇÃO (123)
14/09/2017 06:25 Processo digitalizado e validado (30080)

EXHIBIT A
FOR
EXHIBIT C.

14

STJ-Electronic Petition (PET) 00204511/2018 received on 4/19/2018 12:25:53



Her Excellency, Appellate Judge and Chair of the Superior Court of Justice

The State of Rio de Janeiro, in the case records of Letter Rogatory 12537, comes respectfully to request that the attached document be added to it and to reiterate the request for the *exequatur* to be denied.
In the same lawsuit filed in the United States, the State, now the applicant, and the Federal Government were indicated as defendants.

Given the defendant duplicity, two letters rogatory were issued, one serving process on the State, and the other serving process on the Federal Government.

The letter serving process on the Federal Government is number 12540; and that of the State is number 12537.

Both letters rogatory went for an opinion to be issued by the Attorney General's Office, and both merited an opinion as to the invalidity of the claim in view of the obvious JURISDICTIONAL IMMUNITY.

The opinion of the Attorney General's Office on this letter rogatory, number 12537, in which the State is petitioned, stated that it declared the petition should be rejected, within the terms of the statement set out in letter rogatory number 12540.

It turns out that the opinion on Letter 12540, which in fact provides the reasoning [behind this rejection], was not attached to this letter rogatory, that is, to Letter Rogatory 12537,

Thus, in order to clarify the meaning and scope of the manifestation of the Public Prosecutor in this case, the State requests that the opinion referred to on pages e-STJ 1295, that is, the opinion set out in Letter Rogatory 12,540, be attached, and reiterates its request for this claim to be declared invalid, as in fact the Federal Prosecution Office did.

~~Resposta Argentina 2018~~

Marcelo Mello Martins
State Prosecutor

Electronic document e-Pet No. 2971102 with a digital signature
Signed by MARCELO ROCHA DE MELLO MARTINS: 31760066168 No. Certified series:
66711628169767614916420117984630027312
Id time stamp: 3640229 Date and time: 19/04/2018 12:25:53hs.

Electronic petition attached to the case on 4/23/2018 at 15:46:25 by user: GABRIEL TORRES BRAGA

EXHIBIT A.

FOR

EXHIBIT C.

15
B
B

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USA

Gary A. Crowe
President

Celeste Ingalls
Director of Operations
celeste@foreignservices.com

Phone: (503) 222-3085
Fax: (503) 352-1091

November 5, 2018

SENT VIA US MAIL

Honorable Florence Y. Pan
Superior Court of the District of Columbia, Civil Division
500 Indiana Avenue, N.W.
Washington, DC 20001

RE: JOHN GREGORY LAMBROS Vs. FEDERATIVE REPUBLIC OF BRAZIL, et. al.
Superior Court of D.C. Case No. 2017-CA-929-B

Dear Judge Pan:

At the request of John Gregory Lambros, I have outlined below the process followed, procedures performed to date, and current status of the services requested upon the Federative Republic of Brazil and the State of Rio de Janeiro in Brazil in accordance with the Inter-American Convention:

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2. On August 18, 2017, all documents in the above case, with the requisite Inter-American Convention documents and Portuguese translations of all, were forwarded to the designated Brazil Ministry of Justice (Central Authority for Brazil) for service upon the Federative Republic of Brazil and the State of Rio de Janeiro in accordance with the Inter-American Convention.
3. UPS International has confirmed that the above documents were received by the Ministry of Justice in Brasilia, Brazil on October 6, 2017.
4. According to the current Brazilian court docket (obtained from the Brazilian court today, November 8, 2018), it *appears* as though all Brazilian court processes have been completed (attached is a copy of the Brazilian court docket reports for each service). We are now simply waiting for the Brazilian court to return the proof paperwork. This is returned in the form of a bound "book", containing dozens of pages of what occurred within the Brazilian court process. Unfortunately, this will be in Portuguese and we have no way of knowing exactly when it will be returned.

Please feel free to contact me directly regarding any questions you have in this matter.

Very truly yours,


Celeste Ingalls
Director of Operations
Crowe Foreign Services

EXHIBIT

D.

16

CR nº 12537 / US (2017/0236039-3) autuado em 13/09/2017

- 26/09/201815:24 Remetidos os Autos (para devolução à justiça rogante) para **MINISTÉRIO DA JUSTIÇA** (123)
- 25/09/201806:53 Transitado em Julgado em 24/09/2018 (848)
- 24/09/201814:00 Desentranhamento de Certidão de Decurso nº 1313 VI 1 (**30013**)
- 24/09/201807:05 Decorrido prazo de JOHN GREGORY LAMBROS em 24/09/2018 para recurso (1051)
- 10/09/201802:48 **ADVOCACIA-GERAL DA UNIÃO** intimado eletronicamente da(o) Despacho / Decisão em 10/09/2018 (300104)
- 04/09/201813:20 Mandado devolvido entregue ao destinatário ESTADO DO RIO DE JANEIRO (Mandado nº 000118-2018-CORDCE) (106)
- 04/09/201813:20 Arquivamento de documento Mandado de Intimação das publicações nº 000118-2018-CORDCE (Decisões e Vistas) com ciência (**30019**)
- 31/08/201811:47 Juntada de Petição de CieMPF - CIÊNCIA PELO MPF nº **487908/2018** (Juntada Automática) (85)
- 31/08/201811:47 Protocolizada Petição 487908/2018 (CieMPF - CIÊNCIA PELO MPF) em 31/08/2018 (118)
- 31/08/201811:35 **MINISTÉRIO PÚBLICO FEDERAL** intimado eletronicamente da(o) Despacho / Decisão em 31/08/2018 (300104)
- 30/08/201806:16 Disponibilizada intimação eletrônica (Decisões e Vistas) ao(à) **MINISTÉRIO PÚBLICO FEDERAL** (300105)
- 30/08/201806:15 Disponibilizada intimação eletrônica (Decisões e Vistas) ao(à) **ADVOCACIA-GERAL DA UNIÃO** (300105)
- 30/08/201805:34 Publicado **DESPACHO / DECISÃO** em 30/08/2018 (92)
- 29/08/201819:12 Disponibilizado no DJ Eletrônico - **DESPACHO / DECISÃO** (1061)
- 29/08/201808:17 Negado seguimento ao pedido de **TRIBUNAL DISTRITAL DO DISTRITO DE COLUMBIA** (negado exequatur) (Publicação prevista para 30/08/2018) (30098)
- 28/08/201817:21 Recebidos os autos no(a) **COORDENADORIA DA CORTE ESPECIAL**(132)
- 23/04/201816:20 Conclusos para julgamento ao(à) Ministro(a) **PRESIDENTE DO STJ** (Relatora) (51)
- 23/04/201815:46 Juntada de Petição de nº 204511/2018 (85)
- 20/04/201819:00 Recebidos os autos no(a) **COORDENADORIA DA CORTE ESPECIAL**(132)
- 19/04/201812:27 Protocolizada Petição 204511/2018 (PET - PETIÇÃO) em 19/04/2018(118)
- 16/04/201818:25 Conclusos para julgamento ao(à) Ministro(a) **PRESIDENTE DO STJ** (Relatora) (51)
- 13/04/201818:36 Juntada de Petição de ParMPF - **PARECER DO MPF** nº **193378/2018** (Juntada Automática) (85)

EXHIBIT D.

17

13/04/201818:36 **Protocolizada Petição 193378/2018 (ParMPF - PARECER DO MPF) em 13/04/2018 (118)**

13/10/201719:12 **Disponibilizada cópia digital dos autos à(o) MINISTÉRIO PÚBLICO FEDERAL (300101)**

13/10/201715:01 **Autos com vista ao Ministério Público Federal (30015)**

10/10/201716:36 **Juntada de Petição de IMPUGNAÇÃO nº 528560/2017 (85)**

10/10/201710:21 **Protocolizada Petição 528560/2017 (IMP - IMPUGNAÇÃO) em 10/10/2017 (118)**

26/09/201717:08 **Juntada de Mandado de Intimação nº 000129/2017-CESP (581)**

22/09/201710:03 **Juntada de Mandado de Intimação nº 000129/2017-CESP (581)**

19/09/201716:52 **Recebidos os autos no(a) COORDENADORIA DA CORTE ESPECIAL(132)**

15/09/201714:06 **Conclusos para decisão ao(à) Ministro(a) LAURITA VAZ (Presidente) - pela SJD (51)**

14/09/201716:30 **Distribuído por competência exclusiva à Ministra PRESIDENTE DO STJ(26)**

14/09/201709:40 **Remetidos os Autos (fisicamente) para SEÇÃO DE EXPEDIÇÃO (123)**

14/09/201706:25 **Processo digitalizado e validado (30080)**

EXHIBIT D.

18
18

CR nº 12540 / US (2017/0236054-6) autuado em 13/09/2017

Detalhes

PROCESSO: **CARTA ROGATÓRIA**

JUSROGANTE: **TRIBUNAL DISTRITAL DO DISTRITO DE COLUMBIA**

INTERES. : **MINISTERIO DA JUSTICA DO BRASIL**

PARTE : **JOHN GREGORY LAMBROS**

A.CENTRAL : **MINISTÉRIO DA JUSTIÇA E SEGURANÇA PÚBLICA**

LOCALIZAÇÃO: **Saída para MINISTÉRIO DA JUSTIÇA em 24/09/2018**

TIPO: **Processo eletrônico.**

AUTUAÇÃO: **13/09/2017**

NÚMERO ÚNICO: **0236054-31.2017.3.00.0000**

RELATOR(A): **Min. PRESIDENTE DO STJ**

RAMO DO DIREITO: **DIREITO PROCESSUAL CIVIL E DO TRABALHO**

ASSUNTO(S): **Objetos de cartas precatórias/de ordem, Diligências.**

TRIBUNAL DE ORIGEM: **SUPERIOR TRIBUNAL DE JUSTIÇA**

NÚMEROS

DE

ORIGEM: **08099013360201798, 201704034, 75152017, 8099013360201798**

1 volume, nenhum apenso.

ÚLTIMA FASE: **24/09/2018 (15:21) REMETIDOS OS AUTOS (PARA DEVOLUÇÃO À JUSTIÇA ROGANTE) PARA MINISTÉRIO DA JUSTIÇA**

Fases

24/09/2018 15:21 Remetidos os Autos (para devolução à justiça rogante) para **MINISTÉRIO DA JUSTIÇA (123)**

24/09/2018 10:25 Transitado em Julgado em 24/09/2018 (848)

10/09/2018 02:48 **ADVOCACIA-GERAL DA UNIÃO** intimado eletronicamente da(o) **Despacho / Decisão em 10/09/2018 (300104)**

31/08/2018 11:47 Juntada de Petição de CieMPF - **CIÊNCIA PELO MPF nº 487907/2018 (Juntada Automática) (85)**

31/08/2018 11:47 Protocolizada Petição 487907/2018 (CieMPF - **CIÊNCIA PELO MPF) em 31/08/2018 (118)**

31/08/2018 11:35 **MINISTÉRIO PÚBLICO FEDERAL** intimado eletronicamente da(o) **Despacho / Decisão em 31/08/2018 (300104)**

30/08/2018 06:16 Disponibilizada intimação eletrônica (Decisões e Vistas) ao(à) **MINISTÉRIO PÚBLICO FEDERAL (300105)**

30/08/2018 06:15 Disponibilizada intimação eletrônica (Decisões e Vistas) ao(à) **ADVOCACIA-GERAL DA UNIÃO (300105)**

30/08/2018 05:34 Publicado **DESPACHO / DECISÃO em 30/08/2018 (92)**

29/08/2018 19:12 Disponibilizado no DJ Eletrônico - **DESPACHO / DECISÃO (1061)**

29/08/2018 09:08 Não Concedido o Exequatur (Publicação prevista para **30/08/2018) (12034)**

28/08/2018 17:21 Recebidos os autos no(a) **COORDENADORIA DA CORTE ESPECIAL (132)**

16/04/2018 11:50 Conclusos para julgamento ao(à) Ministro(a) **PRESIDENTE DO STJ (Presidente) (51)**

EXIBIT D.

19

13/04/2018 18:37 Juntada de Petição de ParMPF - PARECER DO MPF nº 193380/2018 (Juntada Automática)(85)
13/04/2018 18:36 Protocolizada Petição 193380/2018 (ParMPF - PARECER DO MPF) em 13/04/2018 (118)
06/10/2017 20:34 Disponibilizada cópia digital dos autos à(o) MINISTÉRIO PÚBLICO FEDERAL (300101)
06/10/2017 17:07 Autos com vista ao Ministério Público Federal (30015)
06/10/2017 08:26 Juntada de Petição de IMPUGNAÇÃO nº 520916/2017 (85)
05/10/2017 19:15 Protocolizada Petição 520916/2017 (IMP - IMPUGNAÇÃO) em 05/10/2017 (118)
22/09/2017 10:01 Juntada de Mandado de Intimação nº 000128/2017-CESP (581)
19/09/2017 16:52 Recebidos os autos no(a) COORDENADORIA DA CORTE ESPECIAL (132)
15/09/2017 14:05 Conclusos para decisão ao(à) Ministro(a) LAURITA VAZ (Presidente) - pela SJD (51)
14/09/2017 17:30 Distribuído por competência exclusiva à Ministra PRESIDENTE DO STJ (26)
14/09/2017 09:40 Remetidos os Autos (fisicamente) para SEÇÃO DE EXPEDIÇÃO (123)
14/09/2017 06:25 Processo digitalizado e validado (30080)

EXHIBIT D.

01/02/20

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Fax: (503) 352-1091

Gary A. Crowe
President

Celeste Ingalls
Director of Operations
celeste@foreignservices.com

January 16, 2019

Honorable Florence Y. Pan
Superior Court of the District of Columbia, Civil Division
500 Indiana Avenue, N.W.
Washington, DC 20001

SENT VIA US PRIORITY MAIL

RE: JOHN GREGORY LAMBROS Vs. FEDERATIVE REPUBLIC OF BRAZIL, et. al.
Superior Court of D.C. Case No. 2017-CA-929-B

Dear Judge Pan:

At the request of John Gregory Lambros, I have outlined below the current status of the services in the above entitled action in Brazil in accordance with the Inter-American Convention and the Foreign Sovereign Immunities Act.

On January 11, 2019, I received thousands of pages of return documents from the Brazilian courts (which includes a copy of what was served, etc.) representing the completion of the services requested upon the 2 foreign sovereign defendants in accordance with Title 28 U.S.C. §1608 (a)(2). We call these the "proof books" because they are so large. The procedural practice of the Brazilian courts is that any person that touches the documents and forwards them on to the next step in the 12 month Brazilian court process, must complete a formal signed document and all are included in the documents returned because there isn't one independent page or documents representing the "proof of service". The entire "book" is considered the proof of service because unless all steps are followed, service was not properly performed.

That being said, the documents appear to have been served to the appropriate defendant entities but after completely reviewing them, they returned them with various other documents (such as the original extradition request issued by the federal government while Mr. Lambros was in prison in Brazil).

Attached are the "pertinent" pages of the volumes that represent the final decisions of the Brazilian government, the Rio de Janeiro government and the Brazilian courts. These are of course in Portuguese. The main point of all these documents is that Republic of Brazil and City of Rio de Janeiro received Mr. Lambros' complaint and attachments, read and reviewed all, and are refusing to recognize the court's jurisdiction on the grounds of immunity.

If you have any questions, please let me know.

EXHIBIT E.

Very truly yours,



Celeste Ingalls

21/

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION

JOHN GREGORY LAMBROS : Case Number: 2017 CA 929 B
v. : Judge: Florence Y. Pan
FEDERATIVE REPUBLIC OF BRAZIL, *et al.* : Next Hearing: July 5, 2019

ORDER

This matter comes before the Court upon the Motion Requesting Entry of Default, filed by plaintiff on March 18, 2019. Plaintiff filed his complaint on February 10, 2017. Plaintiff availed himself of the services of Crowe Foreign Services to effectuate service on defendants. Based on the documentation received by the Court from Crowe Foreign Services on November 14, 2018, January 18, 2019, and February 8, 2019, along with the representations made in court on February 8, 2019, by Crowe Foreign Services' director of operations, Celeste Ingalls, the Court finds that defendants were properly served. On March 18, 2019, plaintiff filed an amended certificate of service that states that he has served the instant motion on defendants by mailing it to the Ministry of Justice in Brasilia. Defendants have not filed a responsive pleading to the complaint nor have they filed an opposition to the instant motion. The Court therefore enters a default against defendants. *See* D.C. Super. Ct. Civ. R. 55(a) ("When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, the clerk or the court must enter the party's default."). Accordingly, this 8th day of April, 2019, it is hereby

ORDERED that the Motion Requesting Entry of Default is **GRANTED**; and it is further

ORDERED that default is entered against both defendants; and it is further

ORDERED that the status hearing scheduled for April 26, 2019, is vacated; and it is

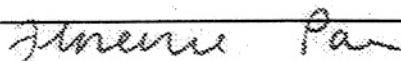
further

EXHIBIT F.

-22-

ORDERED that the parties appear for a status hearing on Friday, July 5, 2019, at 10:30 a.m. in Courtroom 415. This hearing may be converted to an *ex parte* proof hearing upon the filing of a motion for default judgment by plaintiff.

SO ORDERED.



Judge Florence Y. Pan
Superior Court of the District of Columbia

Copies to:

John Gregory Lambros
1759 Van Buren Avenue
Saint Paul, MN 55104

Federative Republic of Brazil
c/o Ministerio da Justica
SCN-Quadra 6-Ed. Venancia 3.000
Bloco A-2° Andar
70716-900 Brasilia-DF
Brazil

State of Rio Janeiro
Federative Republic of Brazil
c/o Ministerio da Justica
SCN-Quadra 6-Ed. Venancia 3.000
Bloco A-2° Andar
70716-900 Brasilia-DF
Brazil

EXHIBIT F.

23/11