

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JOHN GREGORY LAMBROS,
Plaintiff,

DEMAND FOR TRIAL BY
JURY

CIVIL ACTION NO. 19-cv-1929

Removed from: Superior Court
Of the District of Columbia,
Case No. 2017-CA-000929-B
Judge: Florence Y. Pan

Vs.

FEDERATIVE REPUBLIC OF BRAZIL, et al.,
Defendants.

AFFIDAVIT FORM

PLAINTIFF LAMBROS' OFFERING OF ADDITIONAL EVIDENCE
LIMITED TO ISSUES RAISED BY DEFENDANTS'.

1. COMES NOW, Plaintiff - Movant JOHN GREGORY LAMBROS, (Hereinafter "MOVANT"), Pro Se, and requests this Court to construe this filing liberally. See, HAINES vs. KERNER, 404 U.S. 519, 520-21 (1972). Movant Lambros is offering additional evidence limited to issues raised by Defendants in this above-entitled matter to assist this Court and defendants' attorneys.
2. In support of this request plaintiff relies upon the record in this case and the following facts that are submitted in affidavit form herein.

3. In support of this request, I John Lambros state the following as true and correct pursuant to Title 28 USC 1746.

PRELIMINARY STATEMENT - HISTORY OF CASE - BACKGROUND

4. July 19, 2019, the Law firm FOLEY HOAG LLP, who represent the Defendants In this actin, filed the following documents: See, Document 11 and 12:

A. Memorandum of Points and Authorities of Defendants the Federative Republic of Brazil and the State of Rio de Janeiro of the Federative Republic of Brazil in Opposition to Plaintiff's Motion for Remand to the Superior Court of the District of Columbia. See, Document 11.

B. Reply Memorandum of Points and Authorities of Defendants the Federative Republic of Brazil and the State of Rio de Janeiro of the Federative Republic of Brazil in Support of Motion to Dismiss the Complaint. See, Document 12.

DISCUSSION:

5. Defendant's claim in both of the above pleadings that Plaintiff **did not** serve the Defendant's as required by the Foreign Sovereign Immunities Act (FSIA) - 28 U.S.C. 1608(a)(1) and/or (2), which governs service of process on foreign states and their political subdivisions, which states:

(a) Service in the courts of the United States and of the States shall be made upon a foreign state or political subdivision of a foreign state:

(1) by delivery of a copy of the summons and complaint in accordance with **any special arrangement for service between the plaintiff and the foreign state or political subdivision;** or

(2) if no special arrangement exists, by delivery of a copy of the summons and complaint in accordance with an applicable international convention on service of judicial documents; or

(3)if service cannot be made under paragraphs (1) or (2), by sending a copy of the summons and complaint and a notice of suit, together with a translation of each into the official language of the foreign state, by any form of mail requiring a signed receipt, to be addressed and dispatched by the clerk of the court to the head of the ministry of foreign affairs of the foreign state concerned, or

(4)if service cannot be made within 30 days under paragraph (3), by sending two copies of the summons and complaint and a notice of suit, together with a translation of each into the official language of the foreign state, by any form of mail requiring a signed receipt, to be addressed and dispatched by the clerk of the court to the Secretary of State in Washington, District of Columbia, to the attention of the Director of Special Consular Services—and the Secretary shall transmit one copy of the papers through diplomatic channels to the foreign state and shall send to the clerk of the court a certified copy of the diplomatic note indicating when the papers were transmitted.

As used in this subsection, a “notice of suit” shall mean a notice addressed to a foreign state and in a form prescribed by the Secretary of State by regulation.

6. 28 U.S.C. 1608(a)(2), appears to be the correct subsection of the statute applicable in this action, as **NO SPECIAL ARRANGEMENT FOR SERVICE IS APPLICABLE in this action**. Therefore, the service of process on Brazil is governed by “**APPLICABLE INTERNATIONAL CONVENTIONS ON SERVICE OF JUDICIAL DOCUMENTS.**”

7. The United States Department of State, Bureau of Consular Affairs states within their website: **See, EXHIBIT A.**

<https://travel.state.gov/content/travel/en/legal/travel-legal-considerations/internl-judicial-asst/Service-of-Process.html>

Foreign Service officers are generally prohibited by Federal regulations ([22 CFR 92.85](#)) from serving process on behalf of private litigants or appointing others to do so, state law notwithstanding.

Service by Foreign Central Authority Pursuant to Multilateral Treaty or Convention

The United States is a party to two multilateral treaties on service of process, the [Hague Service Convention](#) and the [Inter-American Convention on Letters Rogatory and Additional Protocol](#). Procedures for service under these conventions are summarized below. See also our [country-specific information pages on judicial assistance](#).

- **Hague Service Convention**

Complete information on the operation of the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters can be found in the [Service Section](#) of the website of the Hague Conference on Private International Law. This includes the current list of countries that are party to the Convention, each country's reservations, declarations and notifications relating to the operation of the Convention, the date the Convention entered into force for each country, as well as designated foreign central authorities. See the U.S. Department of Justice's Office of International Judicial Assistance [website](#) or its contractor, [ABC Legal](#), for forms and information about how to submit requests.

- **The Additional Protocol to the Inter-American Convention on Letters Rogatory**

The United States is a signatory to the [Additional Protocol to the Inter-American Convention for the purposes of legal service of documents only](#). Thus, only countries party to the Additional Protocol have a treaty relationship with the United States. For the most up to date information about ratifications and accessions to the Additional Protocol, see the Organization of American States [website](#). See the U.S. Department of Justice's Office of International Judicial Assistance [website](#) or its contractor, [ABC Legal](#) for forms and information about how to submit requests.

- **U.S. Central Authority for the Hague and Inter-American Service Conventions**

The Office of International Judicial Assistance (OIJA) serves as the U.S. Central Authority pursuant to the Hague Service Convention and the Inter-American Convention. Since 2003, the Department of Justice has delegated its function as the Central Authority with respect to the ministerial act of service of judicial and extrajudicial documents directed at private individuals and companies in the United States to a private contractor, ABC Legal. **Thus, outgoing requests for service pursuant to the Additional Protocol to the Inter-American Convention should be sent directly to ABC Legal in accordance with the treaty.** Please note, OIJA plays no role with regard to requests for service from the United States to foreign countries pursuant to the Hague Service Convention. For guidance on how to effect service abroad, please visit OIJA's [website](#).

ABC Legal

633 Yesler Way

Seattle, WA 98104 USA

Email: info@hagueservice.net

Phone: (001) 206-521-2970

Website: <http://www.hagueservice.net/homepage.asp?lang=english>

Office of International Judicial Assistance

Civil Division, Department of Justice

1100 L St., N.W., Room 8102

Washington, D.C. 20530

Email: OIJA@usdoj.gov

Phone: 202-514-6700

Website:

<https://www.justice.gov/civil/office-international-judicial-assistance-0>

Service by International Registered Mail

Service by registered or certified mail, return receipt requested is an option in many countries in the world. FRCP 4(f)(2)(C) provides that this method of service may be used unless prohibited by the law of the foreign country. U.S. courts have held that formal objections to service by mail made by countries party to a multilateral treaty or convention on service of process at the time of accession or subsequently in accordance with the treaty are honored as a treaty obligation, and litigants should refrain from using such a method of service. Service by registered mail should therefore not be used in the countries party to the Hague Service Convention that objected to the method described in Article 10(a) (postal channels). The Hague Conference on Private International Law maintains information on the applicability of Article 10(a) on its website.

Personal Service by Agent

If personal service is permitted in a particular country, the most expeditious method may be to retain the services of a foreign attorney or process server. FRCP 4(f)(2)(C) provides for personal service unless prohibited by the laws of the foreign country. The attorney (or agent) may execute an affidavit of service at the nearest U.S. embassy or consulate, or before a local foreign notary. Lists of foreign attorneys are available from U.S. embassies and consulates overseas. See also our web page, "Retaining a Foreign Attorney." It should be noted, however, that this method of service may not be considered valid under the laws of the foreign country. If eventual enforcement of a U.S. judgment in the foreign country is foreseen, this method may be subject to challenge. It may be prudent to consult foreign counsel early in the process to determine what methods of service are available and considered effective under the domestic law of the country where the service is executed. U.S. process servers and other agents may not be authorized by the laws of the foreign country to effect service abroad, and such action could result in their arrest and/or deportation.

Service by Letters Rogatory

Letters rogatory are requests from a court in the United States to a court in a foreign country seeking international judicial assistance. They are often employed to obtain evidence abroad, **but may also be utilized in effecting service of process, particularly in those countries**

that prohibit other methods of service. In some countries service by letters rogatory is the only recognized method of service. Service of a judicial summons in criminal matters may also be effected pursuant to letters rogatory. Service of process by judicial authorities in the receiving State pursuant to letters rogatory from a court in the sending State is based on the principle of comity. Procedural requirements vary from country to country. See our web page guidance on "[Preparation of Letters Rogatory](#)." See also our [country-specific flyers](#) for information on particular countries. Letters rogatory are a time consuming, cumbersome process and need not be utilized unless there are no other options available. If the laws of the foreign country permit other methods of service, the use of letters rogatory is not recommended given the routine time delays of up to a year or more in execution of the requests.

8. Service by Foreign Central Authority Pursuant to Multilateral Treaty or Convention

The United States and Brazil are party to one of the multilateral treaties on service of process on 2017, (On 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.), the [Hague Service Convention](#) and the **Inter-American Convention on Letters Rogatory and Additional Protocol**.

9. **EXHIBIT B**: Printout from the Organization of American States ("OAS") website showing that both Brazil and the United States of America are signatory countries of the Multilateral Treaty "**INTER-AMERICAN CONVENTION OF LETTERS ROGATORY**".

10. **EXHIBIT C**: June 27, 2017, "ORDER" by the Honorable Florence Y.

Pan, Superior Court of the District of Columbia, Civil Division, Case No. 2017-CA-929-B. This "ORDER" states, "In particular, the Court ordered Plaintiff [Lambros] to provide 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.** See, Order for Supplemental Information at 2-3. On June 1, 2017, plaintiff [Lambros] represented that he had retained the services of Crowe Foreign Services, to assist with his compilation of all necessary forms to serve process on defendants, but that he needed additional time to submit the Inter-American Convention forms for the Court's signature." The court ORDERED the following:

- A. "ORDERED that plaintiff's Motion to Effectuate Service is DENIED as moot, insofar as plaintiff's agent, Crowe Foreign Services, will complete the service of process on named defendants with assistance from the Court where appropriate, and it is further
- B. ORDERED that plaintiff's Motion Requesting the Court to Sign and Seal Documents is GRANTED; and it is further
- C. **ORDERED that after the Court signs the attached forms, the Clerk will affix the seal of the Court on the signature pages, and mail the forms to plaintiff and to plaintiff's agent for service of process, CROWE FOREIGN SERVICES; and it is further"**

11. Plaintiff Lambros followed the complete instructions of Judge Pan to effectuate service of his complaint, summons, etc, on defendants, as verified within the above June 27, 2017, "ORDER". Judge Pan ORDERED the use of the "**Inter-American Convention on Letters Rogatory and the Additional Protocol to the Inter-American Convention on Letters Rogatory.**", to serve Brazil.

12. **EXHIBIT D:** November 5, 2018, letter to the Honorable Judge Florence Y. Pan, Superior Court of the District of Columbia, Civil Division from Celeste Ingalls, Director of Operations, Crowe Foreign Services. Regarding Lambros vs. Federative Republic of Brazil, et. al. Superior Court of D.C., Case No. 2017-CA-929-B. Crowe Foreign Services offers Judge Pan an "outline of 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:" Celeste Ingalls offers four (4) subsections of information within the letter that state **all documents served on the defendant are in accordance with the Inter-American Convention and received by the Ministry of Justice in Brasilia, Brazil on October 6, 2017.**

PLEASE NOTE: Celeste Ingalls included the November 8, 2018, Brazilian court docket sheets report that shows each defendant received copy of Plaintiff Lambros complaint, summons, etc. in this action. Therefore defendants have been served in this action, in compliance with "FSIA" guidelines for service of process. Also note, **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 docket sheets are attached - 12540 and 12537 - both are two (2) pages in length.

13. **EXHIBIT E:** The following document proves the defendants where served - as the document uses the word "**SERVING PROCESS**" and the above docket sheet numbers as to the two (2) letters of rogatory being issued in Brazil for each defendant. The document was constructed by

MARCELO MELLO MARTINS, State Prosecutor for the Defendant State of Rio de Janeiro, stated within his one (1) page document dated April 18, 2018, "The State of Rio de Janeiro, in the case of Letter Rogatory 12537, comes respectfully to request that the attached document be added to it and to reiterate for the exequatur to be denied. Also, "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."

DEFENDANTS WAIVED DEFENSE OF JURISDICTION IMMUNITY

14. Defendants have selective reading skills regarding the TREATY OF AMITY, COMMERCE, AND NAVIGATION; December 12, 1828, ARTICLE XII, as they appear to believe it does not offer jurisdiction to BOTH BRAZILIANS AND U.S. CITIZENS to the courts of the United States. The Treaty clearly incorporates this key language "subject to THE JURISDICTION OF THE ONE OR THE OTHER,". Plaintiff Lambros offer the following information that was incorporated within his complaint:

"TREATY WITH BRAZIL, DECEMBER 12, 1828 - ARTICLE XII: Brazil and the United States have a treaty that accords Americans and Brazilians access to U.S. Courts, equivalent to that provided American citizens. See, TREATY OF AMITY, COMMERCE, AND NAVIGATION; December 12, 1828, ARTICLE XII: "Both the contracting parties promise and engage formally to give their special protection to the persons and property of the citizens and subjects of each other, of all occupations, who may be in their territories, subject to THE JURISDICTION OF THE ONE OR THE OTHER, TRANSIENT OR DWELLING THEREIN, LEAVING OPEN AND FREE TO THEM THE TRIBUNALS OF JUSTICE FOR THEIR JUDICIAL INTERCOURSE. ON THE SAME

TERMS WHICH ARE USUAL AND CUSTOMARY WITH THE NATIVES OR CITIZENS AND SUBJECT OF THE COUNTRY IN WHICH THEY MAY BE, IN DEFENSE FOR THEIR RIGHTS, SUCH ADVOCATES, SOLICITORS, NOTARIES, AGENTS AND FACTORS, AS THEY MAY JUDGE PROPER IN ALL THEIR TRIALS AT LAW. See, CONSTRUTORA NORBETO OBERBRECHT S.A. vs. GE, 2007 U.S. Dist., LEXIS 79219 (S.D.N.Y., 2007). Plaintiff Lambros offered this information to this Court and Defendants within his Complaint on page 17 and 18, paragraph 57. Plaintiff also incorporates paragraph 78(f), page 24, within his complaint in this action, as to legal opinions supporting Plaintiff's right to sue in his "**PREFERRED FORUM**", as per the language within the **TREATY OF AMITY**, December 12, 1828 - ARTICLE XII.

15. 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).

16. 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 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)

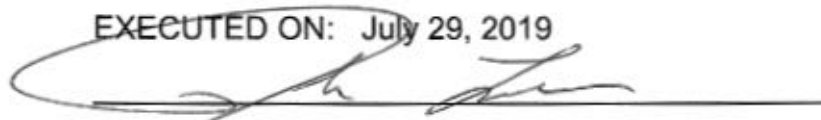
THE ABOVE IS COPY OF FOOTNOTE 9, from FROLOVA.

CONCLUSION AND RELIEF REQUESTED:

17. Plaintiff Lambros **requests** and believes a hearing, requesting the Honorable Judge Florence Y. Pay to **testify**, may assist this court in understanding all information and beliefs considered by the Honorable Judge Florence Y. Pan, as to her **ORDER** approving **ORDER for ENTRY OF DEFAULT** in this action and May 15, 2019 ORDER stating that the "**status hearing scheduled for July 5, 2019, is converted to an EX PARTE PROOF HEARING (FOR DAMAGES)**).

18. I JOHN GREGORY LAMBROS states the above information is true and correct under the penalty of perjury, as per Title 28 USC 1746.

EXECUTED ON: July 29, 2019



John Gregory Lambros, Pro Se

www.Lambros.Name

Service of Process

Disclaimer:

The information relating to the legal requirements of specific foreign countries is provided for general information only and may not be totally accurate in a particular case.

Questions involving interpretation of specific foreign laws should be addressed to foreign attorneys. This circular seeks only to provide information; it is not an opinion on any aspect of U.S., foreign, or international law. The U.S. Department of State does not intend by the contents of this circular to take a position on any aspect of any pending litigation.

Prohibition

Foreign Service officers are generally prohibited by Federal regulations ([22 CFR 92.85](#)) from serving process on behalf of private litigants or appointing others to do so, state law notwithstanding.

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EXHIBIT
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- **The Additional Protocol to the Inter-American Convention on Letters Rogatory**

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ABC Legal

633 Yesler Way

Seattle, WA 98104 USA

Email: info@hagueservice.net

Phone: (001) 206-521-2970

Website: <http://www.hagueservice.net/homepage.asp?lang=english>**Office of International Judicial Assistance**

Civil Division, Department of Justice

1100 L St., N.W., Room 8102

Washington, D.C. 20530

Email: OIJA@usdoj.gov

Phone: 202-514-6700

Website: <https://www.justice.gov/civil/office-international-judicial-assistance-0>

EXH: B: 5
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Service by International Registered Mail

Service by registered or certified mail, return receipt requested is an option in many countries in the world. FRCP 4(f)(2)(C) provides that this method of service may be used unless prohibited by the law of the foreign country. U.S. courts have held that formal objections to service by mail made by countries party to a multilateral treaty or convention on service of process at the time of accession or subsequently in accordance with the treaty are honored as a treaty obligation, and litigants should refrain from using such a method of service. Service by registered mail should therefore not be used in the countries party to the Hague Service Convention that objected to the method described in Article 10(a) (postal channels). The Hague Conference on Private International Law maintains information on the applicability of Article 10(a) on its website.

Personal Service by Agent

If personal service is permitted in a particular country, the most expeditious method may be to retain the services of a foreign attorney or process server. FRCP 4(f)(2)(C) provides for personal service unless prohibited by the laws of the foreign country. The attorney (or agent) may execute an affidavit of service at the nearest U.S. embassy or consulate, or before a local foreign notary. Lists of foreign attorneys are available from U.S. embassies and consulates overseas. See also our web page, "Retaining a Foreign Attorney." It should be noted, however, that this method of service may not be considered valid under the laws of the foreign country. If eventual enforcement of a U.S. judgment in the foreign country is foreseen, this method may be subject to challenge. It may be prudent to consult foreign counsel early in the process to determine what methods of service are available and considered effective under the domestic law of the country where the service is executed. U.S. process servers and other agents may not be authorized by the laws of the foreign country to effect service abroad, and such action could result in their arrest and/or deportation.

EXHIBIT
A

Service by Letters Rogatory

Letters rogatory are requests from a court in the United States to a court in a foreign country seeking international judicial assistance. They are often employed to obtain evidence abroad, but may also be utilized in effecting service of process, particularly in those countries that prohibit other methods of service. In some countries service by letters rogatory is the only recognized method of service. Service of

a judicial summons in criminal matters may also be effected pursuant to letters rogatory. Service of process by judicial authorities in the receiving State pursuant to letters rogatory from a court in the sending State is based on the principle of comity. Procedural requirements vary from country to country. See our web page guidance on "[Preparation of Letters Rogatory](#)." See also our [country-specific flyers](#) for information on particular countries. Letters rogatory are a time consuming, cumbersome process and need not be utilized unless there are no other options available. If the laws of the foreign country permit other methods of service, the use of letters rogatory is not recommended given the routine time delays of up to a year or more in execution of the requests.

Service by Publication

Service by publication may also be a viable option, however, this may not be a valid method of service under the laws of the foreign country. If eventual enforcement of a U.S. judgment in a foreign country is foreseen, it may be prudent to consult foreign counsel or U.S. foreign legal consultants abroad before proceeding with such a method of service.

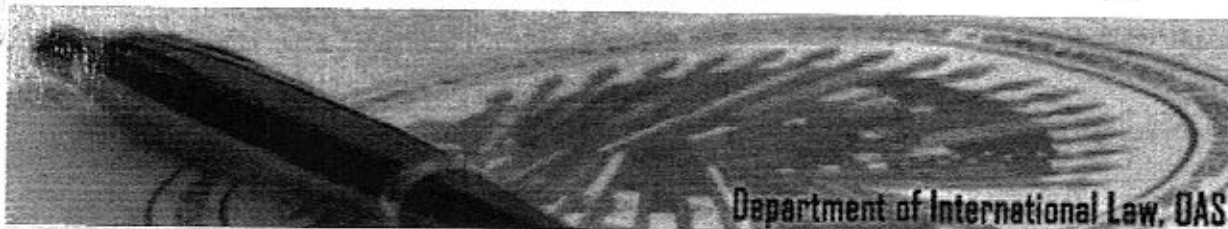
Waiver of Service

FRCP 4(d). Waiver of service may also be a viable option, however, this may not be a valid method of service under the laws of the foreign country. If eventual enforcement of a U.S. judgment in a foreign country is foreseen, it may be prudent to consult foreign counsel or U.S. foreign legal consultants abroad before proceeding with such a method of service. Waivers of service may be executed before a U.S. consular official abroad in the form of an acknowledgment or affidavit.

EXHIBIT
A

Foreign Sovereign Immunities Act

Service of process on foreign states and foreign state-owned agencies and instrumentalities is governed by the Foreign Sovereign Immunities Act (FSIA). If all other methods of service provided for by the FSIA have failed, U.S. Embassies will serve a summons, complaint and notice of suit or a default judgment on a foreign government (28 U.S.C. 1608 (a)(4); 22 C.F.R. 93) on instructions from the Department of State. Similarly, letters rogatory requesting service of process on an agency or instrumentality of a foreign government pursuant to [28 U.S.C. 1608\(b\)\(3\)\(A\)](#) may be transmitted through the Department of State. See Sec. 1608 of the Act for the specific hierarchical service provisions.



Multilateral Treaties

[Text of the Treaty] [text in Spanish]

B-36: INTER-AMERICAN CONVENTION ON LETTERS ROGATORY ←

ADOPTED AT: PANAMA, PANAMA

DATE: 01/30/75

CONF/ASSEM/MEETING: INTER-AMERICAN SPECIALIZED CONFERENCE ON PRIVATE INTERNATIONAL LAW

ENTRY INTO FORCE: 01/16/76 IN ACCORDANCE WITH ARTICLE 22 OF THE CONVENTION.

DEPOSITORY: GENERAL SECRETARIAT, OAS (ORIGINAL INSTRUMENT AND RATIFICATIONS).

→ TEXT: OAS, TREATY SERIES, NO. 43.

→ UN REGISTRATION: 03/20/89 No. 24386 Vol.

OBSERVATIONS:

GENERAL INFORMATION OF THE TREATY: B-36

SIGNATORY COUNTRIES	SIGNATURE REF	RA/AC/AD REF	DEPOSIT INST	INFORMA REF
Argentina	05/19/86	06/15/87	07/17/87 RA	/ /
Bolivia	08/02/83	04/17/06	09/26/06 RA	/ /
X → Brazil	01/30/75	08/31/95	11/27/95 RA	01/28/97 j ← X
Chile	01/30/75	07/09/76 D a	08/13/76 RA	05/07/87 a
Colombia	01/30/75	02/17/95	04/28/95 RA	/ / k
Costa Rica	01/30/75	01/02/78	01/20/78 RA	/ /
Ecuador	01/30/75 b	08/15/75	09/10/75 RA	04/23/84 b
El Salvador	01/30/75	06/27/80 R c	08/11/80 RA	08/11/80 c
Guatemala	01/30/75	03/04/80	05/08/80 RA	10/21/87 e
Honduras	01/30/75	01/08/79	03/22/79 RA	/ /
Mexico	10/27/77 D 1	02/27/78 D f	03/27/78 RA	02/09/83 f
Nicaragua	01/30/75	/ /	/ /	/ /
Panama	01/30/75	11/11/75	12/17/75 RA	/ / l
Paraguay	08/26/75 2	12/02/76	12/15/76 RA	/ /
Peru	01/30/75	07/05/77	08/25/77 RA	/ /
Spain	/ /	06/22/87	07/14/87 AD	04/14/88 d
X → United States	04/15/80 R	11/10/86 R i	07/28/88 RA	07/28/88 i ← X
Uruguay	01/30/75	03/29/77	04/25/77 RA	08/30/85 g
Venezuela	01/30/75	08/12/84 R h	10/04/84 RA	12/11/84 h

REF = REFERENCE
 D = DECLARATION
 R = RESERVATION

EXHIBIT B

INST = TYPE OF INSTRUMENT
 RA = RATIFICATION
 AC = ACCEPTANCE

Process Forwarding International

633 Yesler Way

Seattle, WA 98104

USA

Telephone: 1-206-521-2979

Fax: 1-206-224-3410

Email: info@hagueservice.net

Website: <http://www.hagueservice.net>**j. Brazil:**

(Provided information in accordance with Article 4)

X Appointed the Ministry of Justice of the Brazil as the Central Authority competent to receive and distribute letters rogatory in reference to the articles provided for in the Convention.

On April 18, 2011, Brazil informed on the designation of the "Ministerio de Justicia" as the Central Authority of the Inter-American Convention on Letters Rogatory.

k. Colombia:

(Provided information in accordance with Article 4)

Appointed the Ministerio de Relaciones Exteriores c/o Subsecretaría de Asuntos Consulares y Comunidades Colombianas en el Exterior, Carrera 6 No. 9-46 Santa Fe de Bogota, D.C. tel 57-1-2 832800 fax 57-1-2 866055, 2 861813 as the Central Authority competent to receive and distribute letters rogatory in reference to the articles provided for in the Convention.

l. Panama:

On **August 26, 2014, the Permanent Mission of Panama to the OAS** informed on the designation of the "Dirección General de Asuntos Jurídicos y Tratados del Ministerio de Relaciones Exteriores de la Republica de Panamá" as the central authority for the Inter-American Convention on Letters Rogatory.

[Text of the Treaty]

EXHIBIT
B.

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 : Next Hearing: October 27, 2017
OF BRAZIL, ET AL.

ORDER

This matter comes before the Court upon consideration of plaintiff's Motion requesting the Court to order officers of the court to effectuate service of his complaint, summons, initial order, and subsequent filings on all named defendants, filed on March 6, 2017. On April 4, 2017, the Court held plaintiff's motion in abeyance pending the Court's receipt of supplemental information from plaintiff, which is necessary for the Clerk of the Civil Actions Branch to effectuate service on foreign entities, *e.g.*, the Federative Republic of Brazil and the State of Rio De Janeiro. *See* Order for Supplemental Information, dated April 4, 2017 (Pan, J.).¹ In particular, the Court ordered plaintiff to provide all necessary materials 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. *See* Order for Supplemental Information at 2-3. On June 1, 2017, plaintiff represented that he had retained the services of Crowe Foreign Services, to assist with his compilation of all necessary forms to serve process on defendants, but that he needed additional time to submit the Inter-American Convention forms for the Court's signature. *See* Motion for Extension of Time, dated June 1, 2017.

¹ The Court's order of April 4, 2017, also directed plaintiff to provide the Court with full names and addresses for the individual defendants that plaintiff had called "John and Jane Doe's." *See* Order for Supplemental Information at 3. Plaintiff, however, voluntarily dismissed those unnamed defendants in a subsequent motion. *See* Motion for Extension of Time, at 7.

EXHIBIT
C.

On June 22, 2017, plaintiff filed a Motion Requesting the Court to Sign and Seal two sets of attached documents, one for each remaining foreign defendant, which consist of the seven mandatory forms of the Inter-American Convention. *See* Mot. for Court to Sign Documents. In the motion, plaintiff explains that the undersigned judge must sign on pages two and five of each set of forms, and that "an original signature with Court seal" is required. *See, e.g.,* Mot. for Court to Sign Documents at 3; Declaration of Celeste Ingalls ¶ 8.² After the Court signs these documents, plaintiff requests that the Clerk mail the signed and sealed copies of the forms to Crowe Foreign Services, as well as to plaintiff for his personal records. *See* Mot. for Court to Sign Documents at 3. Plaintiff has shown good cause for his request, which will be granted. The signed forms will be attached to this Order, and will be sent to plaintiff and his agent.

Accordingly, it is this 27th day of June, 2017, hereby

ORDERED that plaintiff's Motion to Effectuate Service is DENIED as moot, insofar as plaintiff's agent, Crowe Foreign Services, will complete the service of process on named defendants with assistance from the Court where appropriate; and it is further

ORDERED that plaintiff's Motion Requesting the Court to Sign and Seal Documents is GRANTED; and it is further

ORDERED that after the Court signs the attached forms, the Clerk will affix the seal of the Court on the signature pages, and mail the forms to plaintiff and to plaintiff's agent for service of process, Crowe Foreign Services; and it is further

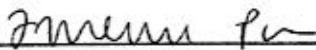
² Celeste Ingalls is the Director of Operations of Crowe Foreign Services who has been assisting plaintiff in his efforts to effectuate service on defendants the Federative Republic of Brazil and the State of Rio De Janeiro.

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EXHIBIT
C.

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ORDERED that the initial scheduling conference currently set for July 14, 2017, shall be
→ vacated and rescheduled for October 27, 2017, at 9:30 a.m. in Courtroom 415.

SO ORDERED.



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

Copies to:

John Gregory Lambros
Reg. No. 00436-124
U.S. Penitentiary Leavenworth
P.O. Box 1000
Leavenworth, Kansas 66048-1000

Crowe Foreign Services
Attn: Celeste Ingalls, Director of Operations
1020 SW Taylor Street
Suite 240
Portland, Oregon 97205

EXH: B: J
C.

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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

EXHIBIT
D.

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//



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 JUSTIÇA 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)**

EXHIBIT D.

2.

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
D.



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)**

**EXHIBIT
D.**

4.

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.**

5.

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.

Brasilia, April 18, 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
E