

12-842 ARGENTINA V. NML CAPITAL, LTD.

DECISION BELOW: 695 F.3d 201

LOWER COURT CASE NUMBER: 11-4065, 11-4077, 11-4082, 10-4100, 11-4102, 11-4117, 11-4118, 11-4133, 11-4153, 11-4165, 11-4182

QUESTION PRESENTED:

Sections 1609 and 1610(a) of the Foreign Sovereign Immunities Act of 1976 ("FSIA"), 28 U.S.C. § 1602 et seq., limit execution on property of a foreign state to "property ... in the United States ... used for a commercial activity in the United States."

Whether post-judgment discovery in aid of enforcing a judgment against a foreign state can be ordered with respect to all assets of a foreign state regardless of their location or use, as held by the Second Circuit, or is limited to assets located in the United States that are potentially subject to execution under the FSIA, as held by the Seventh, Fifth, and Ninth Circuits.

CERT. GRANTED 1/10/2014