

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ENTESAR OSMAN KASHEF, *et al.*,

Plaintiffs,

-against-

BNP PARIBAS S.A., BNP PARIBAS S.A. NEW
YORK BRANCH, BNP PARIBAS NORTH
AMERICA, INC., and DOES 2-10,

Defendants.

Civil No. 1:16-Civ-03228-AJN

Hon. Alison J. Nathan

NOTICE PURSUANT TO RULE 44.1

PLEASE TAKE NOTICE THAT, pursuant to Rule 44.1 of the Federal Rules of Civil Procedure defendants BNP Paribas S.A. and BNP Paribas North America, Inc. (the “BNPP Defendants”) have raised various issues concerning the law of foreign countries, specifically the law of Switzerland, in the BNPP Defendants’ supplemental brief dated August 17, 2020, in support of their Motion to Dismiss the Second Amended Complaint.¹ In Orders dated March 3, 2020, ECF No. 151, and March 20, 2020, ECF No. 155, the Court directed the parties to file supplemental expert reports and supplemental briefing on whether the Second Amended Complaint states a claim for relief under Swiss law.

¹ Plaintiffs have also named as a defendant “BNP Paribas S.A. New York Branch” (the “Branch”), which is not a juridical entity that is amenable to suit. The Court should dismiss plaintiffs’ claims against the Branch for the reasons shown in the BNPP Defendants’ briefs in support of their Motion to Dismiss the Second Amended Complaint. *See* ECF No. 69 at 34, ECF No. 85 at 15.

The issues raised under Swiss law include those addressed in the Declarations of Vito Roberto, dated March 21, 2017, July 6, 2017, and August 13, 2020 and the Declarations of plaintiffs' Swiss law expert Franz Werro, dated May 22, 2017 and July 23, 2020.

This designation is without prejudice to the invocation of foreign law on other issues as those issues become known and/or relevant pursuant to Rule 44.1 during proceedings in this case.

Dated: August 17, 2020
New York, New York

CLEARY GOTTlieb STEEN & HAMILTON LLP



Carmine D. Boccuzzi, Jr.
One Liberty Plaza
New York, New York 10006
Tel: (212) 225-2508
Fax: (212) 225-3999
cboccuzzi@cgsh.com

Counsel for Defendants BNP Paribas S.A. and BNP Paribas North America, Inc.