



receipt of the courtesy copy by email on January 23, 2017. *Id.* ¶¶ 4-5. Petitioner filed a Return of Service (ECF No. 4) with the Court, verifying that service was completed. On April 4, 2017, Petitioner filed an Affidavit in Support of Default (ECF No. 5). The Clerk of the Court entered Default against Guatemala on April 5, 2017 (ECF No. 7) for Guatemala's failure to file an answer or other responsive pleading within sixty days after service was made. *See* 28 U.S.C. § 1608(c)-(d).

As set forth in the attached Statement of Points and Authorities, this Court has jurisdiction to enter a default judgment, and Petitioner is entitled to relief on the merits. Accordingly, Petitioner moves this Court to enter a default judgment against Guatemala, pursuant to 28 U.S.C. § 1608(e) and Federal Rule of Civil Procedure 55(b)(2), and requests an order:

A. Confirming the award rendered in its favor on December 19, 2013, in the Arbitration (the "Award"), as modified by the subsequent decision on annulment rendered in the arbitration proceeding on April 5, 2016 (the "Annulment Decision," and, together with the Award, the "Final Award"), pursuant to 22 U.S.C. § 1650a and Article 54 of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States.

B. Entering judgment in favor of Petitioner and against Respondent in accordance with the Award, for US \$21,100,552, plus interest on that amount at the U.S. prime rate plus two percent as from October 21, 2010 until the date of judgment, compounded annually.<sup>1</sup>

C. Entering judgment in favor of Petitioner and against Respondent in accordance with the Annulment Decision for US \$416,048.12, based upon the sum of (i) US \$142,395.73 for

---

<sup>1</sup> To aid the Court in calculating this figure, a table of interest accrued daily on the Award is attached as Exhibit 5 to the Declaration of Francis A. Vasquez, Jr., and Petitioner TGH will submit an updated table if the U.S. prime rate changes during the time period indicated.

Petitioner's expenditure of ICSID's administrative costs and fees, and (ii) US \$273,652.39 in costs incurred by Petitioner in contesting Guatemala's application for annulment.

D. Entering judgment in favor of Petitioner and against Respondent for postjudgment interest at the statutory rate, pursuant to 28 U.S.C. § 1961.

Dated: April 11, 2017  
Washington, DC

Respectfully submitted,

**WHITE & CASE** LLP

/s/ Francis A. Vasquez, Jr.

Francis A. Vasquez, Jr. (DC Bar No. 442161)

Nicolle Kownacki (DC Bar No. 1005627)

Alexaida Collet (DC Bar No. 1044243)

701 Thirteenth Street, NW

Washington, DC 20005

Telephone: (202) 626-3600

Facsimile: (202) 639-9355

*Counsel for Petitioner*

*TECO Guatemala Holdings, LLC*