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UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

ANATOLIE STATI et al.)
)
 Plaintiffs,)
)
 v.)
)
 REPUBLIC OF KAZAKHSTAN,)
)
 Defendant.)
)
)

Civ. No. _____

NOTICE OF REMOVAL

Defendant Republic of Kazakhstan (“Kazakhstan”) by and through its undersigned counsel, hereby provides notice pursuant to 28 U.S.C. § 1446 of the removal of the above-captioned case from the Supreme Court for the State of New York, County of New York, Commercial Division, to the United States District Court for the Southern District of New York. The matter is removable pursuant to 28 U.S.C. § 1441(d). In support thereof, Kazakhstan further states as follows:

1. On June 15, 2017, Plaintiffs Anatolie Stati, Gabriel Stati, Ascom Group, S.A., and Terra Raf Trans Trading Ltd. brought this suit, captioned *Anatolie Stati et al. v. Republic of Kazakhstan*, Index No. 653297/2017, against Kazakhstan in the Supreme Court of the State of New York, County of New York, Commercial Division. Pursuant to 28 U.S.C. § 1446(a), a copy of all original process, pleadings, and orders served upon Kazakhstan in this action is

attached hereto as Exhibit A.¹ Plaintiffs allege to have brought this action under the New York Uniform Foreign Country Money-Judgments Recognition Act, N.Y. C.P.L.R. (“CPLR”) §§ 5301-5309 to enforce a money judgment issued by the Svea Court of Appeal against Kazakhstan. *See* Ex. A, Compl.(Doc. No. 2) (6/15/2017), ¶ 1.

2. As a foreign state, Kazakhstan has an absolute right to remove this action pursuant to 28 U.S.C. § 1441(d). *See Verlinden B.V. v. Cent. Bank of Nigeria*, 461 U.S. 480, 489 (1983) (“[T]he [Foreign Sovereign Immunities] Act guarantees foreign states the right to remove any civil action from a state court to a federal court, § 1441(d).”).

3. Plaintiffs allege to have effected service of process on Kazakhstan on June 28, 2017 and July 14, 2017. *See* Ex. A, Affirmation of Charlene C. Sun (Doc. No. 12) (7/26/2017). Kazakhstan is filing this Notice of Removal within 30 days of the alleged dates of service and therefore the instant notice of removal is timely. *See* 28 U.S.C. § 1446(b)(1).

4. Venue in this district is proper because the court in which Plaintiffs filed this action, the Supreme Court of the State of New York, County of New York, Commercial Division, is situated within this federal district. *See* 28 U.S.C. §§ 112(b), 1441(a).

5. By removing this action, Kazakhstan is not waiving any rights, claims or defenses. Kazakhstan expressly reserves its right to assert any and all defenses related to ineffective service of process and jurisdiction.

6. Pursuant to 28 U.S.C. § 1446(d), Kazakhstan is providing written notice of the filing of this Notice of Removal to Plaintiffs and will file a written notice of removal with the Supreme Court of the State of New York, County of New York, Commercial Division, in the form of notice attached as Exhibit B.

¹ Plaintiffs also served Russian translations of the original process and pleadings, which translations are not attached.

WHEREFORE, Kazakhstan hereby removes the matter captioned *Anatolie Stati et al. v. Republic of Kazakhstan*, Index No. 653297/2017, which is currently pending in the Supreme Court of the State of New York, County of New York, Commercial Division, to the United States District Court for the Southern District of New York.

DATED: July 28, 2017

Respectfully submitted,

/s/ Felice B. Galant

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CERTIFICATE OF SERVICE

I do hereby certify that I have this day served a true and correct copy of the foregoing
Notice of Removal by United States mail, postage pre-paid, upon the following:

James E. Berger
Charlene C. Sun
Jessica Beess und Chrostin
KING & SPALDING LLP
1185 Avenue of the Americas
New York, NY 10036

Counsel for Plaintiffs

Dated: July 28, 2017

/s/ Felice B. Galant

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