

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

DAVID L. de CSEPEL, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 10-1261 (ESH)
)	
REPUBLIC OF HUNGARY, et al.,)	
)	
Defendants.)	
)	

ORDER FOR SUPPLEMENTAL BRIEFING

The Court requests that plaintiffs provide supplemental briefing on their argument that the ruling on the instant motion be delayed. Mindful that requests for jurisdictional discovery may be denied “in the absence of some specific indication . . . regarding what facts additional discovery could produce that would affect the court’s jurisdictional analysis,” *Al Maqaleh v. Hagel*, 738 F.3d 312, 325-26 (D.C. Cir. 2013) (alteration in original) (internal quotation marks omitted), plaintiffs should specify what additional discovery will “establish the terms of the relevant bailment agreements to the extent they have not been produced or were not written, the scope and effect of those agreements, and the relevant dates and circumstances of breach” as it relates to this Court’s jurisdictional analysis under the commercial activity exception, 28 U.S.C. § 1605(a)(2). (Pl.’s Mem. of P. & A. in Opp. to Def.’s Mot. to Dismiss [ECF No. 89] at 40.) In particular, specify what you expect to discover with respect to the obligation of defendants to return artwork to the United States.

Plaintiffs should file their supplemental briefing on or before October 28, 2014.

Defendants should file their response on or before November 4, 2014. Both parties should limit their submissions to 7 pages.

The Court also requests briefing on the following question: Assuming that 28 U.S.C. § 1605(a)(2) does not apply to the claims of some or all plaintiffs, would the expropriation exception, 28 U.S.C. § 1605(a)(3), nevertheless provide subject matter jurisdiction over all three plaintiffs' claims alleging breach of the bailment agreements in 2008? For purposes of this question, the Court does not intend to revisit whether the property was taken in violation of international law or, as pled in plaintiffs' Complaint, that the expropriation occurred during World War II. (See Complaint [ECF No. 1] ¶¶ 28-30.)

Defendants should file their supplemental memorandum of law on or before October 28, 2014. Plaintiffs should file their response on or before November 4, 2014. Both parties should limit their submissions to 10 pages.

SO ORDERED.

/s/ Ellen Segal Huvelle
ELLEN SEGAL HUVELLE
United States District Judge

Date: October 20, 2014