IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

DAVID L. de CSEPEL, et al.,)
Plaintiffs,))
vs. REPUBLIC OF HUNGARY, et al.,) No. 1:10-cv-01261 (ESH))
Defendants.)))
)

MOTION FOR JUDICIAL NOTICE OF HUNGARIAN LAWS

Pursuant to Rule 201(b)(2) of the Federal Rules of Evidence, the Republic of Hungary, The Hungarian National Gallery, The Museum of Fine Arts, The Museum of Applied Arts, and The Budapest University of Technology and Economics (collectively, "Hungary"), through counsel, request that this Court take judicial notice of certain Hungarian laws, as it has done on a previous occasion in this case (*see* Dkt. No. 34, September 1, 2011 Order).

WHEREFORE, for the reasons more fully set forth in the accompanying memorandum of points and authorities, to the extent appropriate, Hungary requests that the Court take judicial notice of the following Hungarian laws:

- 1. Hungarian Civil Code of 1959, Art. 278 (*see* Declaration of Zoltán Novak in support of Hungary's Motion to Dismiss filed May 18, 2015 ("Novak Decl."), Exh. 4).
- 2. Hungarian Civil Code of 1959, Art. 466 (see Novak Decl., Exh. 5).
- 3. Excerpts of Hungarian Civil Code of No. V of 2013 (see Novak Decl., Exh. 6).
- 4. Hungarian Government Decree No. 449/2013 (XI. 28), and certified English translation thereof (*see* Novak Decl., Exh. 7).

- 5. Hungarian Act No. CXCV of 2013 on the Amendment of Certain Laws Related to the Return of Cultural Goods of Disputed Ownership, Safeguarded in Public Collections, and certified English translation thereof (*see* Novak Decl., Exh. 8).
- 6. Hungarian Act No. LXIV of 2001 on the Protection of Cultural Heritage, Art. 46, 47, and 55, and certified English translation thereof (*see* Novak Decl., Exh. 15).

CERTIFICATION PURSUANT TO LCvR 7(m)

Undersigned counsel for Hungary hereby certifies, pursuant to LCvR 7(m), that a good faith effort was made to discuss the subject of this Motion, and the relief requested herein, with counsel for the Plaintiffs. Plaintiffs' counsel stated that Plaintiffs reserve the right to oppose the Motion. The parties jointly propose that Plaintiffs file any opposition to the Motion for Judicial Notice with their opposition to the Motion to Dismiss on June 24, 2015.

Dated: May 18, 2015 Respectfully submitted,

/s/ Emily C. Harlan (Bar No. 989267)

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MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR JUDICIAL NOTICE OF HUNGARIAN LAWS

Pursuant to Rule 201(b)(2) of the Federal Rules of Evidence, the Republic of Hungary, The Hungarian National Gallery, The Museum of Fine Arts, The Museum of Applied Arts, and The Budapest University of Technology and Economics (collectively, "Hungary") hereby submit this Memorandum of Points and Authorities in Support of their Motion for Judicial Notice of Hungarian Laws.

I. The Court May Take Judicial Notice of Facts That Are Not Subject to Reasonable Dispute Where Their Accuracy Can Be Determined By Reliable Sources.

Pursuant to Rule 201(b)(2) of the Federal Rules of Evidence, courts may take judicial notice of facts that are not subject to reasonable dispute and are capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. Where a Court is supplied with the necessary information, taking judicial notice is mandatory. *See* Fed. R. Evid. 201(d).

II. To the Extent Necessary, Hungary Requests that This Court Take Judicial Notice of Certain Hungarian Laws.

To the extent that judicial notice is appropriate to recognize the existence of foreign legislation, Hungary requests that this Court take judicial notice of the existence of the following Hungarian laws:

- 1. Hungarian Civil Code of 1959, Art. 278 (*see* Declaration of Zoltán Novak in support of Hungary's Motion to Dismiss filed May 18, 2015 ("Novak Decl."), Exh. 4).
- 2. Hungarian Civil Code of 1959, Art. 466 (see Novak Decl., Exh. 5).
- 3. Excerpts of Hungarian Civil Code of No. V of 2013 (see Novak Decl., Exh. 6).
- 4. Hungarian Government Decree No. 449/2013 (XI. 28), and certified English translation thereof (*see* Novak Decl., Exh. 7).
- 5. Hungarian Act No. CXCV of 2013 on the Amendment of Certain Laws Related to the Return of Cultural Goods of Disputed Ownership, Safeguarded in Public Collections, and certified English translation thereof (*see* Novak Decl., Exh. 8).
- 6. Hungarian Act No. LXIV of 2001 on the Protection of Cultural Heritage, Art. 46, 47, and 55, and certified English translation thereof (*see* Novak Decl., Exh. 15).

Hungary notes that, in an Order dated September 1, 2011, this Court granted Hungary's motion for judicial notice of other similarly postured Hungarian laws (*see* Dkt. No. 34, September 1, 2011 Order). These include laws cited in Zoltán Novak's declaration in support of Hungary's Motion to Dismiss filed May 18, 2015 (*see* Novak Decl. Exhs. 1–3 and 9–14).

CONCLUSION

For the reasons set forth above, Hungary respectfully requests that the Court grant, in its entirety, Hungary's Motion for Judicial Notice of Hungarian Laws.

Dated: May 18, 2015 Respectfully submitted,

/s/ Emily C. Harlan

Emily C. Harlan (Bar No. 989267)

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Counsel for Defendants Republic of Hungary, The Hungarian National Gallery, The Museum of Fine Arts, The Museum of Applied Arts, and The Budapest University of Technology and Economics

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of May, 2015, I caused the foregoing Motion for Judicial Notice of Hungarian Laws to be served, via the Court's ECF electronic filing system, upon the following counsel of record in this matter:

Michael D. Hays Alyssa T. Saunders Cooley LLP 1299 Pennsylvania Avenue, NW Suite 700 Washington, DC 20004

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/s/ Emily C. Harlan

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[PROPOSED] ORDER GRANTING MOTION FOR JUDICIAL NOTICE OF HUNGARIAN LAWS

Upon consideration of the Republic of Hungary, The Hungarian National Gallery, The Museum of Fine Arts, The Museum of Applied Arts, and The Budapest University of Technology and Economics' (collectively, "Hungary") Motion For Judicial Notice of Hungarian Laws ("Motion") and the Memorandum of Points and Authorities in support thereof, it is this ____ day of ______, 2015, hereby:

ORDERED, that the Motion be, and it hereby is, granted; and it is further ORDERED, that the Court takes judicial notice of the following Hungarian laws:

- 1. Hungarian Civil Code of 1959, Art. 278;
- 2. Hungarian Civil Code of 1959, Art. 466;
- 3. Excerpts of Hungarian Civil Code of No. V of 2013;
- 4. Hungarian Government Decree No. 449/2013 (XI. 28), and certified English translation thereof;
- 5. Hungarian Act No. CXCV of 2013 on the Amendment of Certain Laws Related to the Return of Cultural Goods of Disputed Ownership, Safeguarded in Public Collections, and certified English translation thereof; and

and 55, and certification	d English translation thereof.
	Hon. Ellen S. Huvelle United States District Judge

6. Hungarian Act No. LXIV of 2001 on the Protection of Cultural Heritage, Art. 46, 47,