

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

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

**REPLY IN SUPPORT OF DEFENDANTS’
MOTION FOR JUDICIAL NOTICE OF HUNGARIAN LAWS**

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 (collectively, “Hungary”), through counsel, submit this Reply in Support of Defendants’ Motion for Judicial Notice of Hungarian Laws (“Motion”). In their Opposition to Hungary’s Motion for Judicial Notice of Hungarian Laws, Plaintiffs do not dispute the authenticity of any documents for which Hungary requests judicial notice; rather, Plaintiffs concede that they “agree that [the laws submitted by Defendants] ‘exist’ in substantially the form submitted to the Court.” Opposition (Dkt. No. 111) at 2. For the reasons set forth below, Hungary’s Motion should be granted in its entirety.

It is proper for the Court to take judicial notice of the existence of the Hungarian laws in Hungary’s Motion. Plaintiffs have not disputed the authenticity of the copies of the statutes Hungary submitted to the Court, or their associated translations. Opp. at 2. Instead, Plaintiffs argue that Hungary should have brought the laws to the attention of the Court by issuing notice

pursuant to Federal Rule of Civil Procedure 44.1. *Id.* As evidenced by the plain language of Federal Rule of Civil Procedure 44.1, however, it applies where a litigant seeks to “raise an issue about a foreign country’s law” and details how a court may make a “determination” of foreign law. When such determination is made, it is treated as a “ruling on a question of law.” Fed. R. Civ. P. 44.1. The cases cited by Plaintiffs involved instances where courts were asked to interpret and apply foreign law, not merely to take judicial notice of the existence of the foreign law. *See U.S. Commodity Future Trading Comm’n v. Trade Exch. Network Ltd.*, 61 F. Supp. 3d 1, 9-12 (D.D.C. 2014) (in discovery dispute, defendants argued “that they cannot be compelled to produce the requested documents because doing so would require them to violate Irish law, which this Court should not order,” and presented the court with email opinions on the interpretation of the statute from an Irish Data Protection official, asking the court to take these opinions “as the final word on the Irish DPA” in *interpreting* Irish law); *Figueiredo Ferraz Consultoria E Engenharia de Projeto Ltda v. Republic of Peru*, 655 F. Supp. 2d 361, 367 (S.D.N.Y. 2009) (the court “turn[ed] first to Peruvian law to determine whether the Program and the Republic should be treated as separate parties for purposes of this action”).

Hungary’s Motion does not ask the Court to make any “determination” of foreign law. Rather, Hungary brings these statutes to the Court’s attention to make the Court aware of their existence and so that the Court can consider them, along with the other facts of the case, as background information, and to put the claims leveled in the Complaint into historical perspective. That these statutes exist and are authentic is not subject to reasonable dispute, and judicial notice is therefore appropriate. *See* Fed. R. Evid. 201.

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, over similar objections by Plaintiffs, *see* Dkt. No. 21. These include laws cited in Zoltán Novák's declaration in support of Hungary's Motion to Dismiss filed May 18, 2015, *see* Novák Decl. Exhs. 1-3 and 9-14 (Dkt. Nos. 106-7 through 106-8).

Hungary also requests judicial notice of one additional document, submitted as Exhibit A to the Reply Declaration of Zoltán Novák in support of Hungary's Reply filed July 9, 2015: Prime Minister Decree No. 200/1945 of the Provisional National Government on the Nullification of the Jewish laws and decrees. Hungary cites to this additional Hungarian law for the first time in the Reply to respond directly to an argument made by Plaintiffs in their Opposition. *Opp.* to Hungary's Motion to Dismiss (Dkt. No. 110) at 52, n.31. Hungary respectfully asserts that this additional law should be judicially noticed for the same reasons as those discussed above.

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: July 9, 2015

Respectfully submitted,

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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 9th day of July, 2015, I caused a true and correct copy of the foregoing Reply in Support of Defendants' 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:

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6. Hungarian Act No. LXIV of 2001 on the Protection of Cultural Heritage, Art. 46, 47, and 55, and certified English translation thereof.
7. Prime Minister Decree No. 200/1945 of the Provisional National Government on the Nullification of the Jewish laws and decrees

Hon. Ellen S. Huvelle
United States District Judge

6. Hungarian Act No. LXIV of 2001 on the Protection of Cultural Heritage, Art. 46, 47, and 55, and certified English translation thereof.

Hon. Ellen S. Huvelle
United States District Judge