

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

Novenergia II – Energy & Environment (SCA),
Société d’Investissement à Capital Risque,

Petitioner,

v.

The Kingdom of Spain,

Respondent.

Civil Action No. 1:18-cv-1148 (TSC)

**PETITIONER’S OPPOSITION TO THE KINGDOM OF SPAIN’S
MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEF**

Petitioner Novenergia II – Energy & Environment (SCA), Société d’Investissement à Capital Risque (“Novenergia”)¹ hereby opposes Respondent the Kingdom of Spain’s (“Spain”) Motion for leave to file supplemental brief in support of Spain’s Motion to Dismiss. *See* ECF No. 33 (the “Motion”).

Spain’s Motion is yet another attempt to delay the resolution of a dispute that has been ongoing since 2014 and to make it even more costly for investors such as Novenergia to get any form of relief. *See* Petitioner’s Memo of Law, ECF No. 22, at 37-39, 41-42. Since early 2018, Spain has been well-aware that Novenergia was in the process of liquidation. *See* Svea Court of Appeal’s Statement Regarding Inhibition (English Translation), ECF No. 22-43, ¶ 38 (“Spain has understood that Novenergia is in the process of liquidating the fund.”) Spain, however, failed to

¹ As explained in Novenergia’s March 14, 2019, Supplemental Corporate Disclosure Statement, Novenergia is under liquidation as of February 28, 2019, duly represented by Novenergia General Partner as the liquidator, ECF No. 31.

address Novenergia's liquidation in its Motion to Dismiss, *see* ECF No. 18-1, at 35, or in its Reply to Novenergia's Opposition to Spain's Motion to Dismiss, *see* ECF No. 25, at 24. Such convenient "oversight" should not be rewarded with a supplemental brief, particularly where Spain's Motion does not even attempt to argue why additional briefing is necessary or warranted regarding an issue it has long been aware of. Moreover, Spain has already briefed the Court on the purported risks which Spain now claims require further briefing. *See* Spain's Reply to Novenergia's Opposition to Spain's Motion to Dismiss, ECF No. 25, at 24.

CONCLUSION

For all of the reasons stated above, the Court should deny Spain's request for leave to file a supplemental brief in support of its Motion to Dismiss. Should this Court grant Spain's request, Novenergia requests the opportunity to respond to Spain's supplemental brief.

Dated: April 24, 2019

Respectfully submitted,

LATHAM & WATKINS LLP

By: /s/ Claudia T. Salomon

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CERTIFICATE OF SERVICE

I hereby certify that on April 24, 2019, I caused a true and correct copy of the foregoing to be filed with the Clerk of the Court using the ECF system and thereby served on all counsel of record.

/s/ Claudia T. Salomon

Claudia T. Salomon