

19-351 FEDERAL REPUBLIC OF GERMANY V. PHILIPP

DECISION BELOW: 894 F.3d 406

LOWER COURT CASE NUMBER: 17-7064, 17-7117

QUESTION PRESENTED:

1. Whether the "expropriation exception" of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605(a)(3), which abrogates foreign sovereign immunity when "rights in property taken in violation of international law are in issue," provides jurisdiction over claims that a foreign sovereign has violated international human-rights law when taking property from its own national within its own borders, even though such claims do not implicate the established international law governing states' responsibility for takings of property.

2. Whether the doctrine of international comity is unavailable in cases against foreign sovereigns, even in cases of considerable historical and political significance to the foreign sovereign, and even where the foreign nation has a domestic framework for addressing the claims.

CERT. GRANTED 7/2/2020