IN THE SUPREME COURT OF THE UNITED STATES

No. 18-1048

GE ENERGY POWER CONVERSION FRANCE SAS, CORP.,
FKA CONVERTEAM SAS, PETITIONER

v.

OUTOKUMPU STAINLESS USA, LLC, ET AL.

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

MOTION OF THE UNITED STATES FOR LEAVE TO
PARTICIPATE IN ORAL ARGUMENT AS AMICUS CURIAE
AND FOR DIVIDED ARGUMENT

Pursuant to Rules 28.4 and 28.7 of this Court, the Solicitor General, on behalf of the United States, respectfully moves that the United States be granted leave to participate in the oral argument in this case as amicus curiae supporting petitioner and that the United States be allowed ten minutes of argument time. Petitioner has agreed to cede ten minutes of argument time to the United States and therefore consents to this motion.

This case concerns the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York Convention or Convention), done June 10, 1958, 21 U.S.T. 2517, 330 U.N.T.S. 38 (entered into force for the United States December 29, 1970). The court of appeals interpreted the Convention to categorically prohibit a nonsignatory to an international arbitration agreement

from compelling arbitration under the agreement. Pet. App. 1a-19a. The United States has filed a brief as amicus curiae supporting petitioner, contending that the Convention does not categorically prohibit a nonsignatory to an arbitration agreement from compelling arbitration based on the application of domestic-law contract and agency principles, such as equitable estoppel.

The United States has a strong interest in matters that affect our Nation's foreign relations generally. Moreover, the United States is a party to the Convention and participated in its negotiation, and Congress has implemented the Convention in the United States through Chapter 2 of the Federal Arbitration Act, 9 U.S.C. 201 et seq. The United States therefore has a specific interest in the interpretation and implementation of the Convention and its domestic implementing legislation. The United States also has an interest in encouraging the reliable and efficient enforcement of arbitral clauses included in international agreements in aid of international commerce.

The government has previously presented oral argument as amicus curiae in cases concerning the proper interpretation of international conventions to which the United States is a party, including the New York Convention. See, e.g., Lozano v. Montoya Alvarez, 572 U.S. 1 (2014); Chafin v. Chafin, 568 U.S. 165 (2013); Abbott v. Abbott, 560 U.S. 1 (2010); Mitsubishi Motors Corp. v. Soler Chrysler-Plymouth, Inc., 473 U.S. 614 (1985). And this Court

has recognized that the Executive Branch's interpretation of treaties is "entitled to great weight." Abbott, 560 U.S. at 15 (citation omitted). We therefore believe that participation by the United States in the oral argument in this case would be of material assistance to the Court.

Respectfully submitted.

NOEL J. FRANCISCO
Solicitor General

NOVEMBER 2019