

In the Supreme Court of the United States

PETRÓLEO BRASILEIRO S.A. – PETROBRAS, ET AL.,
Petitioners,

v.

UNIVERSITIES SUPERANNUATION SCHEME LIMITED, ET AL.,
Respondents.

**JOINT EMERGENCY MOTION TO DEFER
CONSIDERATION OF PETITION FOR A WRIT OF CERTIORARI**

Pursuant to Rule 21 of the Rules of this Court, petitioners and respondents jointly move the Court to defer consideration of the petition for a writ of certiorari in the above-referenced case (the “Petition”), currently scheduled for consideration at the Court’s January 5, 2018 conference, pending the district court’s approval of a proposed settlement pursuant to Fed. R. Civ. P. 23(e).

On December 31, 2017, the Petrobras petitioners and respondents agreed to a binding term sheet for a proposed settlement agreement that, if approved by the district court, would resolve the class action component of the consolidated litigation below as to all petitioners. The parties expect to submit the settlement agreement to the district court for preliminary approval on or before January 31, 2018. In arriving at this agreement, the parties were influenced, in part, by the current uncertainty as to whether the Court will grant or deny the Petition. If the Court were to deny this motion and to decide to hear (or not hear) this case, that decision could alter the parties’ positions as to the desirability of the settlement and could also affect the district court’s analysis of the settlement’s

fairness. Emergency review of the parties' request is necessary because the Court is currently scheduled to consider the Petition on January 5, 2018.

This Court has granted motions to defer consideration of petitions for certiorari on the same grounds and in analogous circumstances, and has done so during a recent Term of the Court. *See, e.g., Dow Chem. Co. v. Indus. Polymers, Inc., et al.*, 136 S. Ct. 1400 (mem) (2016) (granting parties' motion to defer consideration of petition for a writ of certiorari pending approval of settlement pursuant to Fed. R. Civ. P. 23(e)); *Cities Serv. Gas Co. v. Mobil Oil Corp.*, 487 U.S. 1245 (1988) (same); *Trans World Airlines, Inc., v. Zipes*, 442 U.S. 916 (1979) (deferring consideration of petition for a writ of certiorari in light of settlement negotiations); *see also Leidos, Inc. v. Indiana Pub. Ret. Sys.*, 138 S. Ct. 369 (2017) (granting motion to recalendar argument and hold proceedings in abeyance pending district court's approval of a settlement pursuant to Fed. R. Civ. P. 23(e)). Here, as in *Dow*, *Cities Serv.* and *Trans World*, deferring review of the petition would serve the interest of the parties and avoid disrupting a heavily negotiated settlement. Thus, the parties respectfully request that the Court defer consideration of the Petition pending the district court's decision on approval of the settlement agreement. Upon the Court's granting this motion, the parties will seek a modification of the Court of Appeals's order staying the mandate in order to permit the district court's review and approval of the settlement agreement. The parties will promptly notify the Court upon the district court's decision regarding the proposed settlement or as otherwise necessary.

Respectfully submitted,


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January 3, 2018

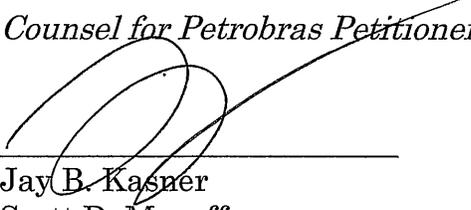
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