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September 11, 2020

The Honorable Scott S. Harris
Clerk of the Court
Supreme Court of the United States
One First Street, NE
Washington, D.C. 20543

Re: *Republic of Hungary v. Simon*, No. 18-1447

Dear Mr. Harris:

Petitioners Hungary and Magyar Államvasutak Zrt. request permission to lodge non-record materials with the Clerk under Sup. Ct. R. 32.3, in connection with the above-referenced case.

The Court granted Petitioners' *certiorari* petition, limited to the first question presented, on July 2, 2020. Petitioners filed their opening brief on the merits on September 4, 2020. Oral argument has not yet been scheduled.

This appeal asks whether the district court properly abstained from exercising jurisdiction over Petitioners under the Foreign Sovereign Immunities Act, 28 U.S.C. § 1602 *et seq.*, for reasons of international comity. In Petitioner' view, comity-based abstention is necessary to ensure that litigation in U.S. courts does not harm international relations.

Petitioners were recently copied on a *note verbale* transmitted by the Republic of Austria to the U.S. State Department concerning the exercise of jurisdiction in this case. In the *note*, Austria expresses its view that, "based on principles of international comity, the U.S. courts should abstain from adjudicating the present case," and asks that its position be made "known to the United States Supreme Court."

Because Austria transmitted its *note verbale* only recently in connection with the proceedings in this Court, the *note* is not part of the record on appeal. Petitioners believe the views expressed in the *note* are highly relevant to the international comity issues before the Court in this appeal. Petitioners therefore respectfully request that the *note verbale* from Austria, and any similar diplomatic communications that Petitioners receive from other nations, be lodged with the Clerk and circulated to Chambers.

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Respectfully submitted,

/s/ Gregory Silbert

Gregory Silbert

cc: All counsel of record