

IN THE SUPREME COURT OF THE UNITED STATES

No. 20-1566

DAVID CASSIRER, ET AL., PETITIONERS

v.

THYSSEN-BORNEMISZA COLLECTION FOUNDATION

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

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

Pursuant to Rule 28 of the Rules of this Court, the Acting 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; that the time allotted for oral argument be enlarged to 70 minutes; and that the time be allotted as follows: 20 minutes for petitioners, 15 minutes for the United States, and 35 minutes for respondent. Petitioners consent to this motion. Respondent takes no position on the request for enlargement of time for argument.

This case presents the question whether courts should apply state or federal choice-of-law rules to select the law governing liability in suits coming within an exception to a foreign state's immunity under the Foreign Sovereign Immunities Act of 1976 (FSIA), 28 U.S.C. 1330, 1441(d), and 1602 et seq. The United States has a substantial interest in the resolution of that question. The interpretation of the FSIA has implications for the treatment of the United States in foreign courts and for its relations with other sovereigns. At this Court's invitation, the United States filed an amicus brief at an earlier stage in this case. See U.S. Br., Kingdom of Spain v. Cassirer, No. 10-786 (May 27, 2011). The United States has also filed a brief as amicus curiae in support of petitioners at the merits stage.

The United States has previously presented oral argument as amicus curiae in cases concerning the interpretation and application of the FSIA. See e.g., Federal Republic of Germany v. Philipp, 141 S. Ct. 703 (2021); Republic of Hungary v. Simon, 141 S. Ct. 691 (2021); Opati v. Republic of Sudan, 140 S. Ct. 1601 (2020); Republic of Sudan v. Harrison, 139 S. Ct. 1048 (2019); Rubin v. Islamic Republic of Iran, 138 S. Ct. 816 (2018); Bolivarian Republic of Venezuela v. Helmerich & Payne Int'l Drilling Co., 137 S. Ct. 1312 (2017); OBB Personenverkehr AG v. Sachs, 136 S. Ct. 390 (2015); Republic of Argentina v. NML Capital, Ltd., 134 S. Ct. 5 2250 (2014); Samantar v. Yousuf, 560 U.S. 305 (2010). Oral presentation of the views of the United States would

materially assist the Court in its consideration of this case.

Respectfully submitted.

BRIAN H. FLETCHER*
Acting Solicitor General
Counsel of Record

DECEMBER 2021

* The Solicitor General is recused in this case.