

No. _____

IN THE
Supreme Court of the United States

PETROSAUDI OIL SERVICES (VENEZUELA) LTD.,
Applicant.

v.

UNITED STATES OF AMERICA,
Respondent.

**APPLICATION FOR EXTENSION OF TIME TO
FILE PETITION FOR WRIT OF CERTIORARI**

To the Honorable Elena Kagan
Associate Justice of the United States Supreme Court
and Circuit Justice for the Ninth Circuit

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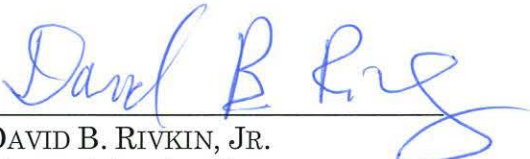
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Corporate Disclosure Statement

Pursuant to Supreme Court Rule 29.6, Applicant PetroSaudi Oil Services (Venezuela) Ltd. discloses that is a privately held entity, and its ultimate parent is PetroSaudi International Ltd., a private Saudi Arabian corporation. No publicly held company owns 10% or more of the stock of PetroSaudi Oil Services (Venezuela) Ltd., or its parent(s).

Dated: August 30, 2023



DAVID B. RIVKIN, JR.
Counsel for Applicant

**To the Honorable Elena Kagan, Associate Justice of the United States
Supreme Court and Circuit Justice for the Ninth Circuit:**

PetroSaudi Oil Services (Venezuela) Ltd. respectfully requests an extension of time to file a petition for writ of certiorari. Sup. Ct. R. 13.5. The deadline for Applicant to file its petition is September 11, 2023, which is ninety days from June 16, 2023, when the Ninth Circuit issued its final judgment. Applicant asks that this deadline be extended by 60 days so that the new deadline would be Friday, November 10, 2023. In support of this request, Applicant states as follows:

1. This case concerns “a \$380 million arbitration award fund, the majority of which is held in the United Kingdom” by an English court. Appendix A at 8. Contending that this fund represents the proceeds of fraud, the Government seeks to forfeit it under 18 U.S.C. § 981. *Id.* at 9. Applicant is a claimant in the forfeiture case. The district court denied Applicant’s motion to dismiss, which asserted foreign sovereign immunity and prior exclusive jurisdiction based on the interest in the fund of the High Court of England and Wales, and granted the Government’s request for an injunction under 18 U.S.C. § 983, notwithstanding Applicant’s objection that the district court lacks personal jurisdiction over it. *Id.* at 11–14. Accepting jurisdiction over consolidated interlocutory appeals under the collateral-order doctrine and 28 U.S.C. § 1291(a)(1), *id.* at 15, the Ninth Circuit in a published decision issued June 13, 2023, affirmed both orders of the district court on the merits, *id.* at 15–26.

2. The opinion of the Ninth Circuit was originally entered on June 13, 2023, which was then corrected on June 14, 2023 and June 15, 2023. The last

corrected opinion entered on June 15, 2023 is reproduced at Appendix A. No motion for rehearing was filed. This Court has jurisdiction under 28 U.S.C. § 1254.

3. This case involves multiple questions worthy of this Court’s review. Among other things, the Ninth Circuit held that the district court did not need *in personam* jurisdiction to issue an injunction in an *in rem* case against every person in the world. Appendix A at 23. This creates a conflict in the law of injunctions in *in rem* proceedings. Other circuits have held that courts must establish personal jurisdiction over affected persons before they issue injunctions in *in rem* cases, *see, e.g., In re Sheehan*, 48 F.4th 513, 521–22 (7th Cir. 2022), *cert. denied sub nom. Sheehan v. Breccia Unlimited Co.*, 143 S. Ct. 1750 (2023); *R.M.S. Titanic, Inc. v. Haver*, 171 F.3d 943, 957 (4th Cir. 1999), given that an “injunction operates only in personam,” *Hitchman Coal & Coke Co. v. Mitchell*, 245 U.S. 229, 234 (1917). Moreover, the Ninth Circuit permitted this case to proceed even though an arrest warrant was not served on the *res*, as required by Supplemental Rule G(3)(c). Other circuits have held that “the failure to serve the warrant on the *res* leaves the court without jurisdiction over the ‘defendant’ (i.e., the object in dispute).” *See, e.g., United States v. Approximately Two Thousand, Five Hundred Thirty-Eight Point Eighty-Five Shares (2,538.85) of Stock Certificates of Ponce Leones Baseball Club, Inc.*, 988 F.2d 1281, 1287 n.8 (1st Cir. 1993). These and other questions are important and merit this Court’s review.

4. Applicant requests a 60-day extension because it is currently addressing representational issues in this matter that will take additional time to resolve. As

relevant here, the undersigned counsel have moved in the district court to withdraw from representing Applicant, *see* Dist. Ct. Dkt. No. 130, and understand that Applicant is seeking new counsel for this matter. Without an extension, Applicant may be unable to resolve its representational issues in time for counsel to satisfy the current deadline to petition for certiorari. The undersigned counsel are therefore moving for an extension to preserve Applicant's right to seek this Court's review of the Ninth Circuit's decision.

5. This request for an extension is being filed more than 10 days before Applicant's petition for certiorari is due on September 11, 2023.

CONCLUSION

For the foregoing reasons and good cause shown, Applicant respectfully requests that this Court grant this application for an extension of time to file a petition for writ of certiorari.

August 30, 2023

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Respectfully submitted,

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