

IN THE SUPREME COURT OF THE UNITED STATES

No. 24-699

EXXON MOBIL CORPORATION, PETITIONER

v.

CORPORACIÓN CIMEX, S.A. (CUBA), ET AL.

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

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

Pursuant to Rules 21, 28.4, and 28.7 of the Rules of this Court, the Solicitor General, on behalf of the United States, respectfully moves for leave to participate in the oral argument in this case as amicus curiae and requests 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 consents to this motion. Accordingly, if this motion were granted, the argument would be divided as follows: 20 minutes for petitioner, 10 minutes for the United States, and 30 minutes for respondents.

This case concerns the interaction between the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, 22 U.S.C. 6021 et seq., and the Foreign Sovereign Immunities Act of 1976 (FSIA), 28 U.S.C. 1330, 1391(f), 1441(d), 1602 et seq. As relevant here, Title III of the LIBERTAD Act allows a private party to bring suits against "any person" who traffics in property confiscated by the Cuban government. 22 U.S.C. 6082(a)(1)(A). The Act also defines "person" as "any person or entity, including any agency or instrumentality of a foreign state." 22 U.S.C. 6023(11). The question presented here is whether the LIBERTAD Act permits suits against Cuban agencies and instrumentalities, or whether such claims are barred by foreign sovereign immunity unless they also satisfy an exception to foreign sovereign immunity codified in the FSIA.

The United States' brief as amicus curiae supporting petitioner argues that Title III's text -- including the definition of "person" and other provisions that specifically contemplate that Cuban agencies and instrumentalities could be liable for trafficking -- clearly abrogates Cuban agencies' and instrumentalities' immunity from suit. The brief further argues that contrary to the court of appeals' decision below, a Title III plaintiff need not separately satisfy an FSIA exception to foreign sovereign immunity to sue a Cuban agency or instrumentality.

The United States has a substantial interest in the resolution of the question presented. The United States has significant

foreign-policy interests in encouraging democracy in Cuba by promoting accountability for the Cuban government's wrongful seizures and in supporting compensation for U.S. victims of unlawful Castro-era expropriations. The United States also has a substantial interest in the proper interpretation of the FSIA. Civil litigation against foreign sovereigns in U.S. courts can have significant foreign-relations implications and can affect the reciprocal treatment of the United States in other nations' courts.

The United States has participated in oral argument as amicus curiae in numerous cases concerning the interpretation and application of the FSIA. See, e.g., CC/Devas (Mauritius) Ltd. v. Antrix Corp. Ltd., 605 U.S. 223 (2025); Republic of Hungary v. Simon, 604 U.S. 115 (2025); Cassirer v. Thyssen-Bornemisza Collection Found., 596 U.S. 107 (2022); Federal Republic of Germany v. Philipp, 592 U.S. 169 (2021); Republic of Hungary v. Simon, 592 U.S. 207 (2021); Opati v. Republic of Sudan, 590 U.S. 418 (2020); Republic of Sudan v. Harrison, 587 U.S. 1 (2019); Rubin v. Islamic Republic of Iran, 583 U.S. 202 (2018). The United States' participation in oral argument in this case could therefore materially assist the Court.

Respectfully submitted.

D. JOHN SAUER
Solicitor General
Counsel of Record