No. _____

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IN THE SUPREME COURT OF THE UNITED STATES

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PETRÓLEOS DE VENEZUELA, S.A., AND PDVSA PETRÓLEO, S.A.,
*Petitioners*

v.

HELMERICH & PAYNE INTERNATIONAL DRILLING CO.

_____

***UNOPPOSED APPLICATION FOR AN EXTENSION OF TIME IN WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT***

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To the Honorable John G. Roberts, Jr., Chief Justice of the United States and Circuit Justice for the District of Columbia Circuit:

Pursuant to 28 U.S.C. § 2101(c) and Rules 13.5, 22, and 30.2 of this Court, Petróleos de Venezuela, S.A. ("PDVSA"), a Venezuelan state-owned oil company, and PDVSA Petróleo, S.A. ("PPSA"), PDVSA's wholly owned subsidiary, respectfully request a 59-day extension of the time, to and including Friday, May 1, 2026, in which to file a petition for a writ of certiorari in this Court.[1] Undersigned counsel have

[1] The U.S.-recognized leadership of PDVSA is an Ad Hoc Board of Directors appointed by Venezuela's Council for the Administration and Protection of Assets. The Council was established by Venezuela's

consulted with counsel for Helmerich & Payne International Drilling Co. ("Helmerich")—the plaintiff in this case and appellee below—and Helmerich does not oppose the extension sought in this application.

The U.S. Court of Appeals for the D.C. Circuit entered judgment on October 3, 2025. A copy of the D.C. Circuit's opinion is attached as Exhibit 1. See *Helmerich & Payne Int'l Drilling Co.* v. *Petroleos de Venezuela, S.A.*, 153 F.4th 1316 (D.C. Cir. 2025). A copy of the D.C. Circuit's judgment is attached as Exhibit 2. The D.C. Circuit denied PDVSA's and PPSA's timely petition for rehearing en banc on December 3, 2025. A copy of the order denying rehearing is attached as Exhibit 3.

This Court's jurisdiction would be invoked under 28 U.S.C. § 1254(1). PDVSA's and PPSA's time to file a petition for a writ of certiorari in this Court will currently expire on Tuesday, March 3, 2026. This application is being filed more than 10 days before that date.

While undersigned counsel are still evaluating potential issues to be raised in a certiorari petition, counsel currently expect that the petition will present at least one question regarding the "Second Hickenlooper Amendment," 22 U.S.C. § 2370(e)(2), which narrows the applicability of the act of state doctrine. The act of state doctrine "precludes the courts of this country from inquiring into the validity of the public acts a recognized foreign sovereign power committed within its own

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U.S.-recognized government—i.e., Venezuela's National Assembly, as elected in 2015. See Statement of Interest of the United States of America, *Petróleos de Venezuela S.A.* v. *MUFG Union Bank, N.A.*, 1:19-cv-10023-KPF (S.D.N.Y. Aug. 29, 2025), ECF No. 393; see also *Jiménez* v. *Palacios*, 250 A.3d 814, 828-841 (Del. Ch. 2019), aff'd, 237 A.3d 68 (Del. 2020).

territory." *Banco Nacional de Cuba* v. *Sabbatino*, 376 U.S. 398, 401 (1964). The doctrine thus provides a defense to a claim premised on a foreign state's confiscation of property in alleged violation of international law. See *id.* at 428. The Second Hickenlooper Amendment, however, precludes U.S. courts from applying the act of state doctrine in a case where "a claim of title or other right to property is asserted by any party including a foreign state (or a party claiming through such state) based upon (or traced through) a confiscation or other taking * * * by an act of that state in violation of the principles of international law." 22 U.S.C. § 2370(e)(2). As this Court recently explained, Congress enacted the Second Hickenlooper Amendment "to permit adjudication of claims" like those that the Court "had avoided" in *Sabbatino*, which held that the act of state doctrine required the lower courts to accept the validity of Cuba's claim to funds held *in a New York account*, even though they were "attributable * * * to the sale of expropriated sugar." *Republic of Hungary* v. *Simon*, 604 U.S. 115, 119-121, 132 (2025) (citation omitted).

Consistent with that history and the provision's text, the Second Hickenlooper Amendment for decades has generally been understood to apply only to disputes over "right[s] to [confiscated] property" (or rights to property "trace[able] through[] a confiscation") when such property has been brought into the United States and thus falls within the jurisdiction of a U.S. court. The Second and Fifth Circuits, New York Court of Appeals, and Texas Supreme Court have expressly held that the Second Hickenlooper Amendment "is inapplicable" when "neither the nationalized property nor its proceeds are located in the United States." *Compania de Gas de Nuevo Laredo,*

*S.A.* v. *Entex, Inc.*, 686 F.2d 322, 327 (5th Cir. 1982); accord *United Mexican States* v. *Ashley*, 556 S.W.2d 784, 786-787 (Tex. 1977); see also *Empresa Cubana Exportadora de Azucar y Sus Derivados* v. *Lamborn & Co.*, 652 F.2d 231, 237 (2d Cir. 1981) (explaining that § 2370(e)(2) "has been interpreted in this Circuit as applying only to cases in which the expropriated property has found its way back into the United States" (citing *Banco Nacional de Cuba* v. *First Nat'l City Bank*, 431 F.2d 394 (2d Cir. 1970), vacated on other grounds, 400 U.S. 1019 (1971))); *Perez* v. *Chase Manhattan Bank, N.A.*, 463 N.E.2d 5, 10 (N.Y. 1984) ("The Hickenlooper amendment does not apply * * * to expropriated property that remains in the confiscating country without coming within the territorial jurisdiction of the United States.").

This Court has implicitly endorsed that interpretation. See *First Nat'l City Bank* v. *Banco Nacional de Cuba*, 406 U.S. 759, 780 n.5 (1972) (Brennan, J., dissenting) (noting agreement among Justices to "leav[e] * * * undisturbed" the Second Circuit's holding regarding the "inapplicab[ility] [of] the Hickenlooper Amendment"); see also *Ramirez de Arellano* v. *Weinberger*, 745 F.2d 1500, 1573 (D.C. Cir. 1984) (en banc) (Starr, J., with Scalia, J., dissenting) ("Since disagreement by the Supreme Court with the Court of Appeals [in *First National City Bank*] on interpretation of the [Hickenlooper] [A]mendment would have made all of the other points irrelevant, it seems that the Supreme Court agreed with the Court of Appeals' interpretation . . . that only property directly related to an expropriation and *found in the United States* can bring the second Hickenlooper Amendment into play." (citation omitted)), vacated on other grounds, 471 U.S. 1113 (1985). Accordingly, the

Restatement (Third) of Foreign Relations Law of the United States stated as black-letter law that, "[i]n order for the Hickenlooper Amendment to apply, the plaintiff must allege and prove that the property that is the subject of the claim is in the United States or was there at the time the action was commenced." Restatement (Third) of Foreign Relations Law of the United States § 444 cmt. e (1987); cf. Restatement (Fourth) of Foreign Relations Law of the United States § 441 reporters' note 12 (2018) (noting disagreement between D.C. Circuit and other courts regarding § 2370(e)(2)'s interpretation).

Expressly splitting from that longstanding interpretation, the court below held that § 2370(e)(2) contains no "domestic-nexus requirement." Ex. 1, at 22. Affirming the district court's denial of PDVSA's and PPSA's motion to dismiss, the court of appeals thus allowed Helmerich to pursue a damages claim under customary international law based on the Venezuelan government's nationalization of a Helmerich subsidiary's oil drilling rigs, even though neither the confiscated property nor other property traceable through the confiscation has ever been brought into the United States. See *id.* at 5-6, 19-23.[2]

Undersigned counsel are working diligently, but respectfully submit that the additional time requested is necessary to complete preparation of PDVSA's and PPSA's petition. Undersigned counsel were engaged in this matter for the first time

[2] The proceedings below were conducted on remand from this Court's decision in *Bolivarian Republic of Venezuela* v. *Helmerich & Payne International Drilling Co.*, 581 U.S. 170 (2017), which held that the Foreign Sovereign Immunities Act's expropriation exception "grants jurisdiction only where there is a valid claim"—not merely a "nonfrivolous argument"—that "'property' has been 'taken in violation of international law.'" *Id.* at 178 (quoting 28 U.S.C. § 1605(a)(3)).

at the certiorari stage. Despite diligent efforts, substantial work remains to complete review of the case's extensive record, to conclude research on the authorities supporting this Court's review, and to prepare the petition and appendix for filing. Among other things, this case requires detailed inquiry into § 2370(e)(2)'s text, context, and history, as well as case law and other authorities interpreting that provision. Additional time is also required to allow PDVSA and PPSA sufficient opportunity to review and comment on drafts of the petition.

In addition, undersigned counsel face numerous overlapping deadlines in other matters, including an opposition to a motion to dismiss due February 20, 2026, in *Exxon Mobil Corporation* v. *PHMSA*, No. 25-60513 (5th Cir.); a certiorari-stage amicus brief due February 23, 2026, in *American Gas Association* v. *Department of Energy*, No. 25-879 (U.S.); a merits-stage reply brief due February 25, 2026, in *Appalachian Voices* v. *FERC*, No. 24-1650 (4th Cir.); an intervenor-appellee's brief due March 2, 2026, in *Standing Rock Sioux Tribe* v. *U.S. Army Corps of Engineers*, No. 25-5198 (D.C. Cir.); an appellees' brief currently due March 4, 2026, in *G&A Strategic Investments I LLC* v. *Petroleos de Venezuela S.A.*, No. 25-1789 (2d Cir.); a reply brief due March 16, 2026, in *Panhandle Eastern Pipe Line Company, LP* v. *FERC*, No. 20-1419 (D.C. Cir.); and an opening brief due March 20, 2026, in *United States* v. *Travis*, No. 25-3650 (6th Cir.).

Wherefore, PDVSA and PPSA respectfully request that an order be entered extending the time to file a petition for a writ of certiorari up to and including Friday, May 1, 2026.

Respectfully submitted,

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February 6, 2026

## CORPORATE DISCLOSURE STATEMENT

Pursuant to Supreme Court Rule 29.6, Applicants provide the following disclosures:

1. Petróleos de Venezuela, S.A. ("PDVSA") is wholly owned by the Bolivarian Republic of Venezuela. There is no other parent corporation or publicly held corporation that owns 10% or more of PDVSA's stock.

2. PDVSA Petróleo, S.A. ("PPSA") is a wholly owned subsidiary of PDVSA. There is no other parent corporation or publicly held corporation that owns 10% or more of PPSA's stock.

Respectfully submitted,

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