IN THE
SUPREME COURT OF THE UNITED STATES

No. ___

PETERSEN ENERGIA INVERSORA, S.A.U.; PETERSEN ENERGIA S.A.U.; ETON PARK CAPITAL MANAGEMENT, L.P.; ETON PARK MASTER FUND, LTD.; ETON PARK FUND, L.P.,

Applicants,

v.

ARGENTINE REPUBLIC; YPF S.A.,

Respondents.

APPLICATION TO THE HON. SONIA SOTOMAYOR FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Pursuant to Supreme Court Rule 13(5), Applicants Petersen Energia Inversora, S.A.U., Petersen Energia S.A.U., Eton Park Capital Management, L.P., Eton Park Master Fund, Ltd., and Eton Park Fund, L.P., hereby move for an extension of time of 30 days, to and including September 30, 2026, for the filing of a petition for a writ of certiorari. Unless an extension is granted, the deadline for filing the petition for certiorari will be August 31, 2026, which is 90 days after the Second Circuit's denial of rehearing en banc on June 2, 2026. *See* Sup. Ct. R. 13(3).

In support of this request, Applicants state as follows:

1. The United States Court of Appeals for the Second Circuit rendered its decision on March 27, 2026 (Exhibit 1) and denied rehearing on June 2, 2026 (Exhibit 2). This Court has jurisdiction under 28 U.S.C. §1254(1).

2. This case arises from Argentina's "knowing and flagrant violation of the promises it made to [U.S.] investors." Ex.1 at 50. When Argentina decided to privatize its state-owned oil company YPF in the 1990s through an initial public offering on the New York Stock Exchange and elsewhere, investors were understandably skeptical in light of Argentina's recurring penchant for economic nationalism. To reassure those investors, Argentina amended YPF's bylaws to promise that if Argentina ever decided to retake control of the company, it would offer shareholders a compensated exit through a tender offer at a price set by a predetermined investor-protective formula. That promise worked, inducing investors to buy more than a billion dollars' worth of shares in YPF on the New York Stock Exchange during the initial public offering and many billions more in secondary market transactions thereafter. In 2012, however, Argentina returned to its old ways and seized back control of a majority stake in YPF—and made a calculated decision to breach its contractual promises and deny investors the compensated exit it had promised them. Argentina deemed the cost of giving investors their due under the bylaws ($11 to $14.5 billion) too steep a price to pay, and openly dismissed its tender-offer obligations as a "bear trap." That unequivocal breach by Argentina of its clear contractual promises caused Applicants billions of dollars of harm, driving them into liquidation.

3. A prior panel of the Second Circuit recognized Applicants' contractual rights and held that Argentina could not assert sovereign immunity to evade the consequences of its clear breach. *See Petersen Energía Inversora S.A.U. v. Argentine*

Republic ("*Petersen II*"), 895 F.3d 194, 207-10 (2d Cir. 2018). That panel held that the district court had FSIA jurisdiction over Applicant's claims because Argentina's breach of its obligations was commercial and not sovereign in nature, and had direct effects in the United States. Argentina asked this Court to review that decision; this Court called for the views of the Solicitor General, who recommended denying certiorari, and this Court denied Argentina's petition. *See Argentine Republic v. Petersen*, No. 18-581 (U.S. cert. denied June 24, 2019).

4. Over the following decade, the parties and the district court dedicated enormous resources to ascertaining Argentine law and providing investors with their promised compensated exit. After reviewing hundreds of pages of briefing, reports, and rebuttal reports from experts on Argentine law, and holding a multi-day trial on damages, the district court entered a $16.1 billion judgment against Argentina. The size of that judgment could have surprised no one, as it was a simple matter of applying the YPF bylaws' investor-protective formula and adding the interest caused by a decade-plus of Argentina's recalcitrance and delay.

5. A divided Second Circuit panel below nevertheless reversed the district court's judgment. According to the panel majority, despite the prior panel's determination that Argentina was not immune from suit in federal court under the FSIA with respect to Applicants' claims, Applicants nevertheless could not pursue those claims. Ex.1 at 39-45, 50-51. Judge Cabranes dissented, explaining that the panel majority's approach would "minimize if not forget" the "factual realities" of this case, including "Argentina's own acknowledgment, calculation, and repudiation of its

liabilities." Ex.1 at Dis.2-3. Given the district court's "close familiarity" with those "facts" and the "law of the case" after "ten years of painstaking consideration," in addition to the practical reality that "determinations of another sovereign's law frequently call for fact-like procedures that a district court is better situated to implement," Judge Cabranes would have afforded "special consideration and respect to a District Court that has closely evaluated every aspect of the facts and[] … the governing law" and would have affirmed. Ex1. at Dis.2-4.

6. Applicants subsequently petitioned for rehearing en banc, which the Second Circuit denied.

7. Applicants' petition for writ of certiorari to the Second Circuit is currently due on August 31, 2026—90 days from the denial of en banc rehearing on June 2, 2026. *See* Sup. Ct. R. 13.3. Applicants' counsel of record, Paul D. Clement, has been diligently preparing a petition addressing the important issues in this case, but has substantial briefing obligations between now and August 31, 2026, including a response brief in *Exxon Mobil v. Bonta*, No. 26-40106 (5th Cir.) due on August 20, 2026; a petition for certiorari in *Herridge v. Chen*, 25A1448 (U.S.) due on August 20, 2026; a petition for certiorari in *Philip Morris USA Inc. v. Fontaine*, No. 25A1451 (U.S.) due on August 20 2026; and a supplemental brief in *Havana Docks Corp. v. Royal Caribbean Cruises, Ltd.*, Nos. 23-10151, 23-10171 (11th Cir.) due on August 28, 2026. Applicants therefore respectfully submit that a brief 30-day extension is warranted to permit Applicants to prepare a petition that will best aid the Court in

considering the important and complex issues raised by this exceptionally significant case.

WHEREFORE, for the foregoing reasons, Applicants request that an extension of time, to and including September 30, 2026, be granted within which Applicants may file a petition for a writ of certiorari.

Respectfully submitted,

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