

**UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA**

**AGUDAS CHASIDEI CHABAD OF  
UNITED STATES,**

**Plaintiff,**

**vs.**

**RUSSIAN FEDERATION; RUSSIAN  
MINISTRY OF CULTURE AND MASS  
COMMUNICATION; RUSSIAN  
STATE LIBRARY; and RUSSIAN  
STATE MILITARY ARCHIVE,**

**Defendants.**

**CASE NO. 1:05-CV-01548-RCL**

**STATEMENT OF PLAINTIFF AGUDAS CHASIDEI CHABAD  
OF THE UNITED STATES**

Plaintiff Agudas Chasidei Chabad of U.S. (“Chabad”) files this Statement following the Notice by United States of Potential Participation in the post-judgment proceedings against defendants Russian Federation, Russian Ministry of Culture and Mass Communication, Russian State Library, and Russian State Military Archive.

Following this Court’s entry of a default judgment and Chabad’s filing of initial steps to enforce the default judgment, the Russian Government precipitously announced that it is withdrawing art and banning the future loan of artwork to American museums. Chabad views this highly publicized threat as a contrived tactic by the defendants to arouse public opinion against the valid judgment of this Court and undermine Chabad’s efforts to execute on the judgment.

Chabad has assured the United States that it will not seek to enforce this Court’s default judgment by attaching or executing against any art or object of cultural significance which has

been loaned by the Russian Federation to American museums and is immune from seizure under 22 U.S.C. § 2459. Attached hereto as Exhibit "A" is a copy of Chabad's letter of May 9, 2011, to the responsible officials of the United States Department of State and the United States Department of Justice. The letter formally commits Chabad and declares its intention in this regard.

Chabad does not seek to disrupt in any manner the non-profit exchange of art and cultural objects between the Russian and American people. Such non-profit exchange is, as the Russian Federation well knows, fully protected by the law of the United States.

Chabad reserves the right to enforce this Court's default judgment by all lawful means.

DATED: May 13, 2011

Respectfully submitted,

BINGHAM MCCUTCHEN, LLP

LEWIN & LEWIN, LLP

By /s/ Seth M. Gerber  
Marshall B. Grossman (*Pro Hac Vice*)  
Seth M. Gerber (*Pro Hac Vice*)  
David Salmons (D.C. Bar No. 476299)  
The Water Garden, 1620 26th Street  
Fourth Floor, North Tower  
Santa Monica, CA 90404  
Telephone: (310) 907-1000

By /s/ Nathan Lewin  
Nathan Lewin  
(D.C. Bar No. 38299)  
Alyza D. Lewin  
(D.C. Bar No. 445506)  
1775 Eye Street, NW,  
Suite 850  
Washington, DC 20006  
Telephone: (202) 828-1000

*Attorneys for Plaintiff Agudas Chasidei Chabad of United States*



Nathan Lewin  
nat@lewinlewin.com

Alyza D. Lewin  
alyza@lewinlewin.com

1775 Eye Street, N.W.  
Suite 850  
Washington, D.C. 20006  
(202) 828-1000 phone  
(202) 828-0909 fax  
www.lewinlewin.com

May 9, 2011

**VIA E-MAIL**

Lorie J. Nierenberg, Attorney-Advisor  
Office of the Legal Adviser, Public Diplomacy  
U.S. Department of State  
1250 23<sup>rd</sup> Street NW, Suite 5H01  
Washington, DC 20547

Vincent M. Garvey, Deputy Branch Director  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Ave NW, Rm. 6143  
Washington, DC 20530

James A. Gresser, Attorney-Advisor  
Office of the Legal Adviser, European Affairs  
U.S. Department of State  
2201 C Street Northwest, Rm. 4219  
Washington DC 20520

James D. Nelson, Esq.  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Ave NW, Rm. 6143  
Washington, DC 20530

Daphne Z. Stavropoulos, Chief Bilateral  
Affairs Officer, Office of Russian Affairs  
U.S. Department of State  
2201 C Street Northwest, Rm. 4417  
Washington DC 20520

RE: *Agudas Chasidei Chabad v. Russian Federation, et al.*

Dear Mss. Nierenberg and Stavropoulos and Messrs. Gresser, Nelson and Garvey:

As attorneys for Agudas Chasidei Chabad of United States in Case No. 1:05-CV-01548-RCL, United States District Court for the District of Columbia, we participated in a telephone conference call with you on May 2, 2011, regarding the Notice filed by the United States regarding Potential Participation in the post-judgment proceedings in that case. The purpose of this letter is to repeat formally, in written form, the assurance we provided orally to the United States in that conversation.

You advised us that the United States had become concerned that artworks loaned to museums and other institutions in the United States would be withdrawn by the Russian Government, and that anticipated loans of artworks would be cancelled for fear that they would be seized by our client in enforcement of the default judgment in this case. We responded that our client is aware of the federal law (22 U.S.C. § 2459) that shields artworks loaned to United States museums from seizure in execution of judgments, and that our client intends fully to comply with that federal law.



May 9, 2011  
Page Two

On behalf of Agudas Chasidei Chabad of United States (“Chabad”), we hereby repeat that assurance in writing. Chabad will not seek to enforce its default judgment by attaching or executing against any art or object of cultural significance loaned by the Russian Federation to American museums that is covered by 22 U.S.C. § 2459.

We note that Chabad took no steps whatever to attach any Russian icons that had been loaned to the museum in Clinton, Massachusetts, and that Chabad never had any intention to enforce its judgment against the artworks involved in that loan. Nor has Chabad attempted to interfere in any manner with future exhibitions of Russian-owned artwork at the National Gallery of Art in Washington, D.C., or at the Metropolitan Museum of Art in New York City. Chabad is not seeking to disrupt in any manner the beneficial non-profit exchange of cultural objects between the Russian and American people.

Chabad’s sole interest is the goal that, as you advised us in our telephone conversation, continues to be shared by the United States Legislative and Executive Branches – the return to Chabad headquarters in the United States of the sacred library and manuscripts that are currently being withheld unlawfully by the Russian Federation and agencies of the Russian Government. The litigation is the culmination of an extended struggle by an international Jewish organization now centered in the United States to recover from the Russian Federation irreplaceable and invaluable sacred texts concerning Jewish law, customs, and culture, and an archive of Nazi-confiscated religious documents looted by the Soviet Army in Poland and carried off to Moscow as “trophy documents” in 1945.

We trust that with this written reassurance, the United States will continue to provide the total support it has heretofore consistently expressed for this effort in assurances made to Chabad’s representatives and in requests that the United States has made to the Russian Government. It would be inconsistent with these assurances and prior formal requests for the United States to hinder Chabad’s attempts to enforce the default judgment that was secured after the defendants precipitously and unjustifiably withdrew from litigation in which they had actively engaged until the courts issued a decision adverse to their contentions.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Nathan Lewin', written over a horizontal line.

Nathan Lewin  
LEWIN & LEWIN LLP

A handwritten signature in black ink, appearing to read 'Seth Gerber', written over a horizontal line.

Seth Gerber  
BINGHAM McCUTCHEN