



E-Newsletter, March 2012

Inside This Issue:

Articles.....

- *Punitive Damages and French Courts, March 2012* by Sebastien Lootgier, Esq. of Villeneuve Rohart Simon & Associates, Paris, France
- *Does the Shoe Fit, 2011* by Elizabeth Beazley of Keesal Young & Logan, Long Beach, California "This article was previously published in California Litigation, the Journal of the Litigation Section, State Bar of California."
- *An Israeli Military Strike Against Iran Would Be Illegal* by Behnam Gharagozli This "This article was previously published in Huffington Post."

International Law Section News and Calendar of Upcoming Events.....

- Executive committee monthly meetings take place the second Wednesday of every month. The next scheduled Executive Committee meeting will take place at 12:00 p.m. on April 11, 2012, at LABCA, 1055 W. 7th Street, Suite 2700, Los Angeles, CA 90017
- April 6, 2012, Memorandum of Understanding Signing Ceremony & Reception with Montreal Bar Association, President Elizabeth Greene, 6:00 p.m. at LACBA.....
- April 17-21, 2012 in New York, New York American Bar Association, Section of International Law, Spring Meeting
- April 21, 2012 – Next Consul General Luncheon, Los Angeles
- May 3, 2012 – Port of Long Beach Program (MCLE credit, visit of the Port of Long Beach)

International Legal Updates

- *McKesson Corporation v. Islamic Republic of Iran*, 2012 U.S. App. LEXIS 3940 (D.C. Cir. February 28, 2012). McKesson claimed that the Iranian government expropriated McKesson's interest in an Iranian dairy and withheld its dividend payments. McKesson filed suit in 1982, followed by several proceedings concerning the issue of whether the D.C. court had jurisdiction over McKesson's claim and whether any recognized body of law provides McKesson with a private right of action against Iran. Held that McKesson does have a private right of action under the 1955 Treaty of Amity, Economic Relations, and Consular Rights between the U.S. and Iran, and found Iran liable for the value of McKesson's expropriated property and withheld dividends plus interest.
- *Naranjo et al. v. Mendoza et al.*, 667 F.3d 232 (2012). Chevron filed suit in federal district court in New York in February 2011, alleging that the Ecuador judgment was the product of a fraud perpetrated by the Ecuadorean plaintiffs and their lawyers and that the Ecuadorean courts are corrupt. The U.S. Court of Appeals for the Second Circuit ruled that the district court erred in finding that a putative judgment-debtor (Chevron) had a cause of action under the New York Uniform Foreign Country Money-Judgments Recognition Act ("Recognition Act") to challenge a foreign judgment before a party actually sought to enforce that judgment. The Court found that the Ecuadorean plaintiffs are free to begin seeking enforcement of their judgment in any country in which Chevron has assets. Chevron "can challenge a foreign judgment's validity under the Recognition Act only *defensively*, in response to an attempted enforcement." Since the Ecuadorean plaintiffs have not attempted to enforce their multi-billion judgment in New York,



E-Newsletter, March 2012

Chevron could not benefit from a global injunction limiting the enforcement of the award.

- *Brandi-Dohrn v. IKB Deutsche Industriebank AG*, 2012 WL 695541 (2nd Cir. March 6, 2012). The Second Circuit reversed an order granting a bank's motion to quash subpoenas issued pursuant to 28 U.S.C. § 1782, to obtain discovery for use in a securities fraud action filed in Germany. The Court found that the district court based its ruling on an erroneous view of the law when it held that the "for use" requirement of § 1782 was not satisfied because the appellant had not shown that the discovery he sought was likely to be admitted in the foreign proceeding.
- *Rogers v. Petroleo Brasileiro, S.A.*, 2012 WL 806812 (2nd Cir. March 13, 2012). Held that state-owned Brazilian oil company was immune from suit in the U.S. under the Foreign Sovereign Immunities Act ("Act"). The Act's commercial exception clause did not apply in an action brought in New York against the oil company for breach of contract by failing to convert certain bearer bonds into preferred shares.
- On March 15, 2012, Italy's Supreme Court determined that a gay couple who married outside of Italy could not be considered legally wed in Italy, but did have a "right to a family life." The case was brought by two men who married in The Hague. They were denied the registration of their marriage in their home town near Rome. Italy's Constitutional Court ruled in April 2010 that arguments in favor of same-sex marriage were "unfounded" or "inadmissible."

Become an International Law Section Reporter!

Contribute articles on international law for International Law Section e-Newsletter. This is a great opportunity for attorneys to develop their international legal career to work directly with the leaders of the international community and to "get published." Contact Claire Schmidt at cschmidt@alvaradosmith.com or Ben Gharagozli at ben.gharagozli@gmail.com.

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