

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Leffer, et al.

Plaintiffs,

v.

Federal Republic of Germany, et al.

Defendants.

Case No. 19-cv-3529 (CJN)

**REPLY MEMORANDUM RE: MOTION OF THE KINGDOM OF BELGIUM
TO QUASH SERVICE AND TO DISMISS FOR LACK OF
SUBJECT MATTER JURISDICTION, AND LACK OF PERSONAL JURISDICTION**

Defendant the Kingdom of Belgium replies to Plaintiffs opposition to the Kingdom of Belgium's motion to Quash Service for insufficiency of process and insufficiency of service, motion to dismiss Plaintiffs' amended complaint for lack of subject matter jurisdiction, and lack of personal jurisdiction.

Plaintiffs fail to address the Kingdom of Belgium's motion to quash the insufficiency of process. Plaintiffs' sole argument with regard to the sufficiency of the process itself is a statement on page 1 and 3 of Plaintiffs' opposition claims while the Kingdom of Belgium requires a translation in one of the official languages of the Kingdom of Belgium, (Dutch or French), that the official language in the part of Belgium where Mr. von Prince was arrested, is German.

While German is indeed also an official language of Belgium, the Kingdom of Belgium in its statements to the translation requirements of the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial Matters ("the Hague

Convention”),¹ set forth in Art 5(3) of the Hague Convention, requires in a complete set of translations in the official language “of the place where it is to be served”.

<https://www.hcch.net/en/states/authorities/details3/?aid=247>. Since the complaint is against the Kingdom of Belgium, service takes place in Brussels and a translation into the French language is required. Plaintiffs do not include any other arguments regarding the sufficiency of the process in their opposition.

The attempted service of the complaint by Plaintiffs was inadequate service of the summons and complaint on the Kingdom of Belgium pursuant to 28 U.S.C. 1608(a) and, thus, must be quashed. The Kingdom of Belgium’s objection to service is not addressed in Plaintiffs’ Opposition.

Plaintiffs’ Opposition does, however, include a discussion about the jurisdiction of the Court in this matter, without adding any new arguments or addressing the Foreign Sovereign Immunities Act. Plaintiffs do not dispute that the Kingdom of Belgium is a foreign state under the Foreign Sovereign Immunity Act (FSIA) and enjoys the FSIA’s broad grant of immunity afforded foreign states and their agencies or instrumentalities. As a foreign state, the Kingdom of Belgium is immune from suit in the courts of the United States under the provisions of the FSIA. Under the FSIA, a foreign state is presumptively immune from the jurisdiction of the United States courts. *Saudi Arabia v. Nelson*, 507 U.S. 349, 355, 123 L. Ed. 2d 47, 113 S. Ct. 1471 (1993).

The FSIA provides generally that a foreign state is immune from the jurisdiction of the United States courts unless one of the exceptions listed in 28 U.S.C. § 1605(a) applies.

¹ Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial Matters, Feb. 10, 1969, 20 U.S.T. 361, T.I.A.S. No. 6338

Roeder v. Islamic Republic of Iran, 646 F.3d 56, 58 (D.C. Cir. 2011).

Plaintiffs rambling and, in large parts, incomprehensible attempt to address the question of jurisdiction fails to state anything that would invoke any of the exceptions to Belgium's foreign sovereign immunity.

Lastly, Plaintiffs included several interrogatories as part of their motion. A response to any discovery request prior to finding jurisdiction of the court would be premature.

Even if proper service of a proper process had been made, the Amended Complaint as to Kingdom of Belgium should be dismissed as the Court lacks subject matter jurisdiction and personal jurisdiction.

Dated: May 05, 2020

Respectfully submitted,

s/ Jeffrey Harris

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CERTIFICATE OF SERVICE

I hereby certify that on May 5, 2020, I electronically filed the foregoing document and proposed order with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the attached Service List in the manner specified, either via transmission of Notice of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notice of Electronic Filing.

s/ Jeffrey Harris

Jeffrey Harris

Service List:

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