

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SILVIA SEIJAS, HEATHER M. MUNTON :
and THOMAS L. PICO ESTRADA, :

Plaintiffs, :

v. :

THE REPUBLIC OF ARGENTINA, :

Defendant :

04 Civ. 400 (TPG)

**WRIT OF EXECUTION
AND
ORDER TO SHOW CAUSE**

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SILVIA SEIJAS, EMILIO ROMANO, :
RUBEN WEISZMAN, ANIBAL CAMPO, :
and MARIA COPATI, :

Plaintiffs, :

v. :

THE REPUBLIC OF ARGENTINA, :

Defendant :

04 Civ. 401 (TPG)

-----X
CESAR RAUL CASTRO :

Plaintiffs, :

v. :

THE REPUBLIC OF ARGENTINA, :

Defendant :

04 Civ. 506 (TPG)

-----X
HICKORY SECURITIES LTD., :

Plaintiffs, :

v. :

THE REPUBLIC OF ARGENTINA, :

Defendant :

04 Civ. 936 (TPG)

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ELIZABETH ANDREA AZZA, CLAUDIA :
FLORENCIA VALLS, and HICKORY :
SECURITIES LTD., :

Plaintiffs, :

04 Civ. 937 (TPG)

v. :

THE REPUBLIC OF ARGENTINA, :

Defendant :

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ELIZABETH ANDREA AZZA, RODOLFO:
VOGELBAUM, and HICKORY :
SECURITIES LTD., :

Plaintiffs, :

04 Civ. 1085 (TPG)

v. :

THE REPUBLIC OF ARGENTINA, :

Defendant :

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EDUARDO PURICELLI, :

Plaintiffs, :

04 Civ. 2117 (TPG)

v. :

THE REPUBLIC OF ARGENTINA, :

Defendant :

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RUBEN DANIEL CHORNY, :

Plaintiffs, :

04 Civ. 2118 (TPG)

v. :

THE REPUBLIC OF ARGENTINA, :

Defendant :

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Upon consideration of the application of Lead Plaintiffs/Judgment Creditors, (“Plaintiffs”) for a writ of execution, the declaration of Guillermo A. Gleizer, dated May 11, 2010 and the exhibits annexed thereto, and the accompanying memorandum of law, and sufficient cause appearing therefore; and

Upon consideration of the final judgments (the “Judgments”) entered in this action in this United States District Court for the Southern District of New York between Plaintiffs and Defendant The Republic of Argentina (“Argentina”) on January 8, 2009, awarding Plaintiffs the aggregate amount of \$2,243,075,681.00 plus interest therefrom; and

It appearing that Rule 69 of the Federal Rules of Civil Procedure, the FSIA has been invoked as requiring a court-ordered Writ of Execution authorizing the Plaintiffs to execute upon any property of Argentina held by Banco de la Nación Argentina (“BNA”), within this jurisdiction (Exhibit A);

It appearing that there exist within this jurisdiction certain monies, securities or other assets (the “Funds”) in accounts held by or for the benefit of Argentina (the “Accounts”) and maintained by BNA branches in the United States; and

It appearing that, this court having already decided that these funds are used for commercial activity, and the Plaintiffs seeking authorization as necessary to issue restraining notices upon the branches of BNA pursuant to Rule 69(a) of the Federal Rules of Civil Procedure and Article 52 of the New York Civil Practice Law and Rules (“CPLR”) applicable thereunder as required; now, therefore

IT IS HEREBY ORDERED, that a Writ of Execution is hereby issued; pursuant to this Writ of Execution, Rule 69(a) of the Federal Rules of Civil Procedure and -as applicable- FSIA, 28 U.S.C. §1610, Plaintiffs are authorized to execute upon certain property of Argentina as

previously authorized by further Order of this court within this jurisdiction in satisfaction of the outstanding final judgments, amounting, to date in total to the sum of \$2,243,075,681.00 until full payment; and

IT IS FURTHER ORDERED, that (1) pursuant to the Writ of Execution, Rule 69(a) of the Federal Rules of Civil Procedure and CPLR § 5222, the Plaintiffs shall be permitted to serve upon BNA a restraining notice in form substantially similar to the attached Exhibit B; and (2) that such restraining notice shall be issued either by this Court or by the Clerk of Court; and

IT IS FURTHER ORDERED, that pursuant to Rule 69(a) of the Federal Rules of Civil Procedure and Article 52 of the CPLR, the Plaintiffs shall promptly serve Argentina and BNA with a copy of this order to show cause and the restraining notice, together with papers submitted in support thereof, and that such service shall be deemed good and sufficient service (1) if made by hand upon counsel for Argentina, Cleary, Gottlieb, Steen and Hamilton, 1 Liberty Plaza, New York, New York 10006, on or before 5:00 p.m. on May 24, 2010, and (2) if made by hand upon BNA branches on or before 5:00 p.m. on May 24, 2010, such service to be made by any person who is over 18 years of age and not a party to this action; and

IT IS FURTHER ORDERED, that Argentina show cause before the Honorable Thomas P. Griesa, United States District Judge, Courtroom 26 B, United States Courthouse, 500 Pearl Street, New York, New York, on the 3rd of June, 2003, at 3:00 ~~am~~pm, or as soon thereafter as counsel may be heard, why an order of execution pursuant to Rule 69 (a) of the Federal Rules of Civil Procedure and CPLR § 5230 shall not issue to the Sheriff of New York County or the United States Marshal directing him to satisfy the Judgments out of the Funds held by or for the benefit of Argentina in the Accounts maintained by BNA; and

IT IS FURTHER ORDERED, that objections or responses, if any, to the relief requested

herein shall be filed with the Court and served in a manner so as to be received by (1) counsel for the Plaintiffs, Diaz, Reus & Targ, LLP, if by hand at 19 W 34th Street, Suite 914, New York, New York, 10001 or otherwise at 100 SE 2nd Street, Suite 2600, Miami, Florida, 33131, on or before ^{won} ~~5:00 pm~~ on June 2, 2010; and

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IT IS FURTHER ORDERED, that the Plaintiffs may take any and all discovery of BNA and Defendant as provided under Rule 26 of the Federal Rules of Civil Procedure, and that all responses to any such discovery requests shall be served in a manner so as to be received by counsel for the Plaintiffs, Diaz, Reus & Targ, LLP, if by hand or by mail at 100 SE 2nd Street, Suite 2600, Miami, Florida, 33131, no later than five (5) days prior to the hearing on _____.

Dated: May 24, 2010
New York, New York

11:00 A.M.

Thomas P. Grisen
U.S.D.J.