

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JOHN GREGORY LAMBROS,
Plaintiff,

DEMAND FOR TRIAL BY
JURY

CIVIL ACTION NO. 19-cv-1929

Removed from: Superior Court
Of the District of Columbia,
Case No. 2017-CA-000929-B
Judge: Florence Y. Pan

Vs.

FEDERATIVE REPUBLIC OF BRAZIL, et al.,
Defendants.

AFFIDAVIT FORM

PLAINTIFF LAMBROS' OFFERING CLARIFICATION OF FACTS
CONTAINED WITHIN DEFENDANTS "OPPOSITION TO PLAINTIFF'S
'OFFERING OF ADDITIONAL EVIDENCE LIMITED TO ISSUES
RAISED BY DEFENDANTS' [SIC]". FILED ON AUGUST 12, 2019.

1. COMES NOW, Plaintiff - Movant JOHN GREGORY LAMBROS, (Hereinafter "MOVANT"), Pro Se, and requests this Court to construe this filing liberally. See, HAINES vs. KERNER, 404 U.S. 519, 520-21 (1972). Movant Lambros is offering additional clarification limited to issues raised by Defendants in this above-entitled matter to assist this Court and defendants' attorneys.

2. In support of this request plaintiff relies upon the record in this case and the following facts that are submitted in affidavit form herein.

3. In support of this request, I John Lambros state the following as true and correct pursuant to Title 28 USC 1746.

PRELIMINARY STATEMENT - HISTORY OF CASE - BACKGROUND

4. August 12, 2019, the Law firm FOLEY HOAG LLP, who represent the Defendants in this actin, filed the following document:

A. **"OPPOSITION TO PLAINTIFF'S 'OFFERING OF ADDITIONAL EVIDENCE LIMITED TO ISSUES RAISED BY DEFENDANTS' [SIC]". FILED ON AUGUST 12, 2019.**

DISCUSSION:

5. On page 2 of the above entitled motion filed on August 12, 2019, Defendants state: "Despite Plaintiff's failure to serve the Sovereign Defendants, five days later, on February 13, 2019, Plaintiff filed a **motion for entry of default**, D.E. 1-46. **Although the Sovereign Defendants had not been served**, on April 8, 2019, the Superior Court granted Plaintiff's motion for entry of default, inexplicably stating that the Sovereign Defendants had not filed an opposition to Plaintiff's motion for entry of default despite having been served. D.E. 1-51."

See, EXHIBIT A.

CLARIFICATION OF FACTS:

6. **February 13, 2019:** Plaintiff filed his "MOTION REQUESTING ENTRY OF DEFAULT". This motion was dated February 10, 2019 and filed on February 13, 2019.

7. **March 13, 2019:** Plaintiff mailed the Court the following:

A. Amended Certificate of Service, Dated March 13, 2019;

B. Portuguese Translation of: Amended Certificate of Service, Dated March 13, 2019;

C. Motion Requesting Entry of Default, Dated: February 10, 2019 (Filed in the Superior Court of the District of Columbia on February 13, 2019).

D. Portuguese Translation of: Motion requesting Entry of Default, Dated: February 10, 2019.

This mailing was received by the Superior Court of the District of Columbia mailroom on March 18, 2019.

8. **March 13, 2019:** Plaintiff mailed **BOTH** Defendants copy of the following documents via **UNITED STATES REGISTERED MAIL, Registered Mail No. RR490992807US and RR490992798US**. Both Defendant received service and delivery on or about March 29, 2019, as verified by the International Research Group, United States Postal Service, Los Angeles, CA.. as per **Case Number: DE4935329 and DE4935303**. **See, EXHIBIT B.** (August 13, 2019, email to Plaintiff Lambros from United States Postal Service):

A. Amended Certificate of Service, Dated March 13, 2019;

B. Portuguese Translation of: Amended Certificate of Service, Dated March 13, 2019;

C. Motion Requesting Entry of Default, Dated: February 10, 2019 (Filed in the Superior Court of the District of Columbia on February 13, 2019).

D. Portuguese Translation of: Motion requesting Entry of Default, Dated: February 10, 2019.

9. **April 8, 2019:** "ORDER" by the Honorable Florence Y. Pan, stating that Plaintiff filed

his "Motion Requesting Entry of Default, filed by plaintiff on March 18, 2019" and "On March 18, 2019, plaintiff filed an amended certificate of service that states that he has served the instant motion on defendants by mailing it to the Ministry of Justice in Brasilia." Also, the Honorable Judge Pan "ORDERED":

- A. **that the Motion Requesting Entry of Default is GRANTED;**
- B. **that default is entered against BOTH DEFENDANTS.**

SEE, EXHIBIT C.

CONCLUSION AND RELIEF REQUESTED:

17. Plaintiff Lambros believes the above facts may assist this court in understanding all information and beliefs considered by the Honorable Judge Florence Y. Pan, as to her **ORDER** approving **ORDER for ENTRY OF DEFAULT** in this action and May 15, 2019 ORDER stating that the "**status hearing scheduled for July 5, 2019, is converted to an EX PARTE PROOF HEARING (FOR DAMAGES).**

18. I JOHN GREGORY LAMBROS states the above information is true and correct under the penalty of perjury, as per Title 28 USC 1746.

EXECUTED ON: August 20, 2019


John Gregory Lambros, Pro Se

www.Lambros.Name

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

John Gregory Lambros,

Plaintiff,

v.

Federative Republic of Brazil, *et al.*,

Defendants.

Civil Action No. 19-cv-1929 (TSC)

OPPOSITION TO PLAINTIFF'S "OFFERING OF ADDITIONAL EVIDENCE
LIMITED TO ISSUES RAISED BY DEFENDANTS' [SIC]"

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*Attorneys for Defendants the Federative Republic of Brazil and
the State of Rio de Janeiro of the Federative Republic of Brazil*

August 12, 2019

EXHIBIT A.

as a request for an oral hearing on that motion. D.E. 7. The Sovereign Defendants therefore submit this opposition, in accordance with Local Civil Rule 7(b).

There is no basis to permit Plaintiff to file a surreply or otherwise present the "evidence" proffered in the Offering. Nor would an oral hearing on the Set Aside Motion be appropriate. In any event, even if the Court were to consider the Offering's contents, the Sovereign Defendants' arguments on service and sovereign immunity in support of their Set Aside Motion remain unrefuted, and the Set Aside Motion should be granted.

II. BACKGROUND

Plaintiff filed this action in the Superior Court on February 10, 2017. D.E. 1-3.¹ In order to try to serve the Complaint (as well as subsequent filings), Plaintiff hired Crowe Foreign Services ("Crowe"). D.E. 1-15. On February 8, 2019, the Superior Court received a filing from Crowe regarding an attempt to effect service pursuant to the Inter-American Convention on Letters Rogatory. D.E. 1-44. As set forth in that filing, the attempt to serve the Sovereign Defendants was unsuccessful because it contravened Brazilian law. *Id.* at 11, 23.

Despite Plaintiff's failure to serve the Sovereign Defendants, five days later, on February 13, 2019, Plaintiff filed a motion for entry of default. D.E. 1-46. Although the Sovereign Defendants had not been served, on April 8, 2019, the Superior Court granted Plaintiff's motion for entry of default, inexplicably stating that the Sovereign Defendants had not filed an opposition to Plaintiff's motion for entry of default despite having been served. D.E. 1-51.

¹ The Superior Court docket identifies entries by date, not by docket numbers. Documents from the Superior Court docket are cited herein by the D.E. numbers assigned to them on this Court's docket and, where page numbers are cited, by the numbers indicated in the legend at the top of the documents on this Court's docket.

EXHIBIT A.



John lambros [REDACTED]

US Postal Service Inquiry Received

2 messages

donotreply@usps.com <donotreply@usps.com>

Tue, Aug 13, 2019 at 12:02 PM

* → Case number: DE4935329 ↙
↑

033>

Dear Customer:

→ This is in further response to the inquiry you recently filed on an international registered letter, article number RR490992798US, which you sent to BRAZIL.

* The postal service of BRAZIL has advised us that this article was delivered on or about March 29, 2019.

We are pleased to have been of assistance to you in determining the disposition of this article.

Sincerely,

Customer Service Representative

INTERNATIONAL RESEARCH GROUP
UNITED STATES POSTAL SERVICE
P.O. Box 512318
LOS ANGELES, CA 80239-9955
TEL: 1-800-222-1811
FAX: 323-586-4363
323-586-4368

EXHIBIT B.

665A-EMAIL

donotreply@usps.com <donotreply@usps.com>

Tue, Aug 13, 2019 at 4:14 PM

↗ = ↗
 X

08/13/2019

033>

Dear Customer:

This is in further response to the inquiry you recently filed on an international registered letter, article number RR490992807US, which you sent to BRAZIL. ✕

The postal service of BRAZIL has advised us that this article was delivered on or about March 29, 2019.

We are pleased to have been of assistance to you in determining the disposition of this article.

Sincerely,

Customer Service Representative

[Quoted text hidden]

EXHIBIT B.

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

JOHN GREGORY LAMBROS : Case Number: 2017 CA 929 B
v. : Judge: Florence Y. Pan
FEDERATIVE REPUBLIC OF BRAZIL, *et al.* : Next Hearing: July 5, 2019

ORDER

This matter comes before the Court upon the Motion Requesting Entry of Default, filed ← X
by plaintiff on March 18, 2019. Plaintiff filed his complaint on February 10, 2017. Plaintiff
availed himself of the services of Crowe Foreign Services to effectuate service on defendants.
Based on the documentation received by the Court from Crowe Foreign Services on November
14, 2018, January 18, 2019, and February 8, 2019, along with the representations made in court
on February 8, 2019, by Crowe Foreign Services' director of operations, Celeste Ingalls, the
Court finds that defendants were properly served. On March 18, 2019, plaintiff filed an amended ← X
certificate of service that states that he has served the instant motion on defendants by mailing it
to the Ministry of Justice in Brasilia. Defendants have not filed a responsive pleading to the
complaint nor have they filed an opposition to the instant motion. The Court therefore enters a
default against defendants. *See* D.C. Super. Ct. Civ. R. 55(a) ("When a party against whom a
judgment for affirmative relief is sought has failed to plead or otherwise defend, the clerk or the
court must enter the party's default."). Accordingly, this 8th day of April, 2019, it is hereby ← *

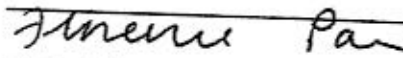
ORDERED that the Motion Requesting Entry of Default is **GRANTED**; and it is further
ORDERED that default is entered against both defendants; and it is further
ORDERED that the status hearing scheduled for April 26, 2019, is vacated; and it is

further

EXHIBIT C.

ORDERED that the parties appear for a status hearing on Friday, July 5, 2019, at 10:30 a.m. in Courtroom 415. This hearing may be converted to an *ex parte* proof hearing upon the filing of a motion for default judgment by plaintiff.

SO ORDERED.



Judge Florence Y. Pan
Superior Court of the District of Columbia

Copies to:

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1759 Van Buren Avenue
Saint Paul, MN 55104

Federative Republic of Brazil
c/o Ministerio da Justica
SCN-Quadra 6-Ed. Venancia 3.000
Bloco A-2° Andar
70716-900 Brasilia-DF
Brazil

State of Rio Janeiro
Federative Republic of Brazil
c/o Ministerio da Justica
SCN-Quadra 6-Ed. Venancia 3.000
Bloco A-2° Andar
70716-900 Brasilia-DF
Brazil

EXHIBIT C.