

ORAL ARGUMENT SCHEDULED FOR JANUARY 21, 2016
14-7193(L), 14-7194, 14-7195, 14-7198, 14-7202, 14-7203, 14-7204

IN THE
United States Court Of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

SUSAN WEINSTEIN, *et al.*,
Plaintiffs-Appellants

v.

ISLAMIC REPUBLIC OF IRAN, *et al.*,
Defendants-Judgment Debtors

v.

INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS,
Third Party Garnishee-Appellee

**APPELLANTS' OPPOSITION TO THE GOVERNMENT'S
MOTION TO PARTICIPATE IN ORAL ARGUMENT**

Plaintiffs-Appellants,
by their Attorneys,

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Earlier today, *Amicus Curiae* United States moved for leave to participate in oral argument. In its motion, it noted the Appellants' opposition, but did not elaborate. (Gov't Mtn. 2-3). Appellants briefly do so here.

By Order of November 13, this Court *sua sponte* invited the government to "file a brief...expressing the views of the United States." Presumably intentionally, the Court did not invite the government to participate in oral argument. The government's brief, filed just over three weeks before oral argument, stakes out a position not adopted by any party and asserts numerous facts that are not supported in the record. Its brief does one thing extraordinarily well: It highlights the compelling need for remand and factual development.

Involving the government in oral argument will not aid this Court's efforts to determine whether the district court correctly applied D.C. attachment law or if certification to the D.C. Court of Appeals is appropriate. Nor will it aid this Court in determining whether the district court correctly denied discovery as to that issue. As noted, the government's brief bolsters Appellants' claim that remand and discovery is necessary. Having the government appear to elaborate on that point for 10 minutes at oral argument would surely be redundant.

The government claims a "strong interest in the issues presented in these appeals." (Gov't Mtn. 2). That is inaccurate. The government has asserted an interest in this *litigation*, not in the limited issues now on appeal. If the government wishes

to pursue and protect that interest, it should seek to do so before the district court, following remand.

Circuit Rule 34(e) provides that an *amicus curiae* “will not be permitted to participate in the oral argument without leave of the court granted for extraordinary reasons on motion[.]” The government presents no extraordinary reasons. Indeed, the *only* reason it offers is its purported “strong interest” in the litigation. (Gov’t Mtn. 2). But because that interest will likely not be served by participation at oral argument and would be far better served with remand and discovery on the issues that concern the government, the government has offered no legitimate basis at all for its request to participate in oral argument.

In any event, if the Court nonetheless grants the government’s motion, the argument time in support of the district court’s decision and/or for affirmance should be divided between the government and the Appellees, as provided by Circuit Rule 34(c). The government writes that it intends to argue in “support of the judgment of the district court.” It is thus on the same “side” of the appeal as the Appellees, within the meaning of Circuit Rule 34(c).

Dated: Baltimore, Maryland
January 6, 2016

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2016, I filed the foregoing using the ECF system, which is expected to electronically serve all counsel of record.

 /s/ Meir Katz
Meir Katz