



BRUNO A. RISTAU



I. LITIGATION HANDLED AT THE U.S. DEPARTMENT OF JUSTICE; SELECTED REPORTED CASES

A. SUPREME COURT CASES

Hampton v. Mow Sun Wong, 426 U.S. 88 (1976) (eligibility of aliens for Civil Service employment; briefed and argued case in the D.C. Circuit and authored brief in the Supreme Court)

Shafter v. United States, 273 F. Supp. 152 (S.D.N.Y. 1967), aff'd. mem. 400 F.2d 584 (2d Cir. 1987), cert. denied, 393 U.S. 1086 (1969) (lack of jurisdiction over maritime tort; claim cognizable only under NATO Status of Forces Agreement; briefed and argued case in lower courts and submitted brief in opposition to certiorari)

Alfred Dunhill, Inc. v. Republic of Cuba, 425 U.S. 682 (1976) (Cuban nationalization; co-authored U.S. government's *amicus curiae* brief in the Supreme Court)

Handelsvennootschap Norma, N.V. v. Kennedy, 328 F.2d 529 (D.C. Cir.), cert. denied, 377 U.S. 965 (1964) (seizure of enemy property under the Trading with the Enemy Act; briefed and argued case in the D.C. Circuit and submitted brief in opposition to certiorari)

Von Der Heydt v. Kennedy, 299 F.2d 459 (D.C. Cir.), cert. denied, 370 U.S. 916 (1961) (same as preceding case; briefed and argued case in the D.C. Circuit and submitted brief in opposition to certiorari)

**B. U.S. FEDERAL DISTRICT COURT, CIRCUIT COURT AND STATE COURT CASES;
SELECTED REPORTED CASES**

SUITS RAISING CONSTITUTIONAL ISSUES

Sardino v. Federal Reserve Bank, 361 F.2d 106 (2d Cir. 1970) (legality of freezing privately owned Cuban assets)

VonClemm v. Smith, 363 F.2d (2d Cir. 1966) (legality of seizure under the Trading with the Enemy Act of property belonging to a U.S. citizen)

VonClemm v. Banuelos, 498 F.2d 163 (1st Cir. 1974) (same issue as in preceding case)

SUITS INVOLVING THE FOREIGN RELATIONS OF THE UNITED STATES

Hellenic Lines v. Moore, 345 F.2d 978 (D.C. Cir. 1965) (Attempted service of process on foreign Embassy)

Petrol Shipping Corp. v. Kingdom of Greece, 332 F.2d 370 (2d Cir. 1964) (foreign sovereign immunity)

Republic of Argentina v. City of New York, 25 N.Y.2d 252, 303 N.Y. Supp.2d 606 (1969) (Attempted taxation of Argentine Consulate by City of New York) (Briefed and argued appeal on behalf of the U.S. in N.Y. Ct. App.)

United States v. City of Glen Cove, 322 F. Supp. 149 (E.D.N.Y. 1971), *aff'd*, 450 F.2d 884 (2d Cir. 1971) (Attempt by City of Glen Cove to sell villa owned by Soviet Union which served as official residence of Soviet U.N. Ambassador to satisfy a tax lien; briefed and argued application for a restraining order in the district court and briefed the appeal in the Second Circuit)

Spacil v. Crowe, 489 F.2d 614 (5th Cir. 1974) (Defending State Department's "suggestion of interest" on behalf of Chile; (briefed and argued case in the district court and in the Fifth Circuit)

Diggs v. Richardson, 555 F.2d 848 (D.C. Cir. 1976) (Argued against challenge to Government's policy towards South Africa)

Logan v. Secretary of State, 553 F.2d 107 (D.C. Cir. 1976)

SUITS INVOLVING THE ACT OF STATE DOCTRINE

Dunhill of London, Inc. v. Cuba, 425 U.S. 682 (1976) (cooperated in preparing amicus *curiae* brief on behalf of the United States)

Occidental of Umm v. A certain Cargo, etc., 577 F.2d 1196 (5th Cir. 1978) (*amicus curiae* brief)

Libyan American Oil Co. v. Socialist People's Libyan Arab Jamahiriya, 482 F. Supp. 1175, *vacated*, 684 F.2d 1032 (D.C. Cir.)

SUITS INVOLVING INTERPRETATION OF TREATIES

Shafter v. United States, 273 F. Supp. 152 (S.D.N.Y.), *aff'd*, 402 F.2d 584 (1968) (NATO Status of Forces Agreement)

Gallagher v. United States, 423 F.2d 1371 (Ct. Cl. 1970)

Aris Gloves, Inc. v. United States, 420 F.2d 1386 (Ct. Cl. 1970)

SUITS INVOLVING FOREIGN LAW

Bamberger v. Clark, 390 F.2d 485 (D.C. Cir. 1968)

Rucharger v. United States, 188 Ct. Cl. 1129 (1969)

Urbanizadora Santa Clara S.A. v. United States, 518 F.2d 574 (Ct. Cl. 1975)

SUITS CHALLENGING CLASSIFICATION BASED ON ALIENAGE

Mow Sun Wong v. Hampton, on remand from S. Ct., 626 F.2d 739 (9th Cir. 1980) (Alien seeking Civil Service employment)

Vergara v. Hampton, 581 F.2d 1281 (7th Cir. 1978), *cert. denied*, 441 U.S. 905 (1979) (Civil Service employment of aliens)

Jalil v. Hampton, 460 F.2d 923 (D.C. Cir. 1972) (same issue as above)

SUIT AGAINST FEDERAL CLAIMS COMMISSION

Melong, v. Micronesian Claims Comm'n, 643 F.2d 10 (D.C. Cir. 1980)
(Judicial review of Commission's decision despite statutory bar)

CHALLENGES TO DUTY SURCHARGES IMPOSED BY EXECUTIVE ORDERS

Henry Pollak, Inc. v. Blumenthal, 444 F. Supp. 56 (D.D.C.), *aff'd (table)*, 593 F.2d 1371 (D.C. Cir.)

Cornet Stores v. Morton, 632 F.2d 96 (9th Cir. (1980), *cert. denied*, 451 U.S. 937 (1981)

SUITS INVOLVING INTERNATIONAL JUDICIAL ASSISTANCE

In re Letters Rogatory from the City Court of Haugesund, Norway, 497 F.2d 378 (9th Cir. 1974)

In re Letters Rogatory from the Justice Court, District of Montreal, Canada, 523 F.2d 562 (6th Cir. 1975)

In re Request for Judicial Assistance from the Seoul District Criminal Court, Seoul, Korea, 555 F.2d 720 (9th Cir. 1977)

GOVERNMENT AMICUS CURIAE BRIEFS INVOLVING INTERPRETATION OF THE US FOREIGN SOVEREIGN IMMUNITIES ACT

Electronic Data Systems Corp. v. Soc. Sec. Organization of Iran, 610 F.2d 94 (2d Cir. 1979)

Rex v. Cia. Pervana de Vapores, S.A., 610 F.2d 61 (3d Cir. 1981)

Ruggiero v. Cia. Pervana de Vapores, 639 F.2d 872 (2d Cir. 1981)

Williams v. Shipping Corp. of India, 653 F.2d 875 (4th Cir. 1981)

II. LITIGATION HANDLED BY BRUNO A. RISTAU IN PRIVATE PRACTICE; SELECTED REPORTED CASES

US SUPREME COURT

Argentine Republic v. Amerada Hess Shipping Corp., 488 U.S. 428 (1989) (Briefed and argued case in the Second circuit and in the Supreme Court)

United States v. Alvarez-Machain, 504 U.S. 655 (1992) (Presented *amicus* brief on behalf of the Government of Mexico)

US LOWER FEDERAL COURTS

I.T. Consultants v. Pakistan, 551 F.3d 1184 (D.C. Cir. 2003) (Damage suit for Pakistan's default on development contract)

Cicipio v. Iran, 30 F.3d 164 (1994), *cert. denied*, 513 US. 1078 (1994) ((Tort suit against Iran under the FSIA)

Marlowe v. Argentine Naval Comm'n, 808 F.2d 120 (D.C. Cir. 1986) (Suit involving Argentine government procurement contract)

Gatoil (U.S.A.) Inc. v. Washington Metro Area Transit Auth., 801 F.2d 451 (D.C. Cir. 1986) (Breach of oil supply contract)

Price v. Socialist People's Libyan Arab Jamahiriya, 274 F.Supp.3d 20 (D.D.C. 2003) (Tort suit against Libya for alleged improper arrest and detention in Libya)

Simpson v. Socialist People's Libyan Arab Jamahiriya, 180 F.3d 78 (D.C. Cir. 2001). (Tort suit against Libya for alleged abduction in Lebanon)

Semtek Int'l, Inc. v. Mercury Ltd., (D. Mass. 1996 U.S. Dist. LEXIS) (Service of process in Russia)

Iran Aircraft Industries v. Avco Corp., 980 F.2d 141 (2d Cir. 1992) (Circuit Court denied enforcement of award entered by Iran/United States Claims Tribunal against U.S. corporation) (*But cf. Islamic Republic of Iran v. United States of America*, Iran/United States Claims Tribunal, Award No. 586-A27-FT, Jun. 5, 1998, holding United States liable for failure to make available mechanism to enforce Claims Tribunal awards in the U.S. in favor of Iranian parties)

Rein v. Socialist People's Libyan Arab Jamahiriya, 162 F.3d 748, (2d Cir. 1988) cert. den., 527 U.S. 1003 (1999) (Tort suit against Libya under the 1996 "Terrorist Amendment" to the FSIA)

Gabay v. Mostazafan Foundation of Iran, F. Supp. 2d, aff'd mem. F.3d (2d Cir. 1988) (confiscation of property in Iran)

Benson v. Gatoil (U.S.A.) Inc., 907 F.2d 1137 (4th Cir. 1990, mem.) (employment dispute)

Siderman v. Republic of Argentina, 965 F.2d 699 (9th Cir. 1992), cert. den., 507 U.S. 1017(1993) (Suit by Argentinean refugees for confiscation of their properties in province of Tucuman following overthrow of civilian government by military junta)

Hercaire Int'l v. Republic of Argentina, 821 F.2d 559 (11th Cir. 1987) (Attempt to execute on a judgment against Argentina by attaching a commercial airliner owned by Aerolineas Argentinas)

III. OTHER NOTABLE CASES AND ACTIVITIES

Since leaving the US Justice Department service, Mr. Ristau has lectured widely as an adjunct professor at the American University and at the George Washington University in Washington, D.C., and as a panelist at symposia in the United States and other countries on International Commercial Arbitration, Conflict of Laws and International Judicial Assistance. He has served as counsel and as arbitrator in private commercial arbitrations and as counsel in international arbitrations before the World Bank's International Centre for the Settlement of Investment Disputes (ICSID) and before the Iran/United States Claims Tribunal in The Hague.

The largest commercial arbitration in which Mr. Ristau acted as Chairman of a 3-judge panel of arbitrators was a \$180 million claim by Pepsi Cola against its Venezuelan bottlers who had defected to the Coca Cola company. *Pepsico, Inc. v. Oficina Central, etc.*, ICC Arbitration No. 9278/FMS, Award reported in 12 Mealey's Int'l Arb. Reports C-21 (1967).

IV. TEACHING AND WRITING EXPERIENCE

Mr. Ristau is the author of a 2-volume treatise entitled "International Judicial Assistance in Civil and Commercial Matters", first published by the International Law Institute in Washington, D.C. in 1984 and updated and revised periodically.

Since 1985 he has taught as an adjunct professor at the law schools of the American University and the George Washington University in Washington, D.C. and taught courses in international commercial arbitration, conflict of laws and international judicial assistance.

V. LEGISLATIVE EXPERIENCE

While an official at the U.S. Department of Justice Mr. Ristau served during 1972-1976 as the Department's representative on an Executive Branch panel that drafted the bill which was enacted in 1976 as the Foreign Sovereign Immunities Act, 28 U.S.C. Sec. 1330, 1602-1611. His Congressional testimony on this statute has been repeatedly cited by the Supreme Court and by lower federal courts.

In the late 1970's Mr. Ristau also participated in the drafting and the presentation to Congress of the Diplomatic Relations Act of 1978, 22 U.S.C. Sec. 254a, and the International Economic Emergencies Powers Act, 50 U.S.C. Sec. 1702.

VI. CURRENT PRACTICE

Mr. Ristau is currently Special Counsel at The Eren Law Firm in Washington, DC where he handles arbitration, litigation and other cases implicating public and private international law.

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