

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

RICHARD ALLEN, <i>et al.</i>)	
)	
)	Civil Action No.: 05-cv-02077 (CKK)
)	
Plaintiffs,)	
)	
v.)	
)	
RUSSIAN FEDERATION, <i>et al.</i>)	
)	
Defendants.)	

**SECOND CONSENT MOTION TO EXTEND AND
ESTABLISH DEADLINES FOR RESPONDING TO THE COMPLAINT**

Plaintiffs Richard Allen, *et al.*, by and through undersigned counsel, and defendants Viktor Khristenko, Alexei Kudrin, Gazprom, Rosneft and Rosneftegaz (hereafter collectively “Defendants”), by and through undersigned counsel, respectfully submit this Second Consent Motion to Extend and Establish Deadlines for Responding to the Complaint in this matter. Plaintiffs and Defendants submit this consent motion in an effort to establish a schedule that will lead to the more efficient consideration of this case. In joining this motion, the Defendants expressly preserve all, and do not waive any, defenses including but not limited to defenses based on foreign sovereign immunity, insufficiency of process, insufficiency of service of process, lack of personal jurisdiction, improper venue, and failure to state a claim.

In support of this Consent Motion, plaintiffs and Defendants state as follows:

1. Plaintiffs filed the above-captioned matter on October 24, 2005.
2. Plaintiffs and defendant Khristenko filed a Joint Motion for Extension of Time for Viktor Khristenko to Respond, which was granted on November 18, 2005. As a result of the

Court's order granting said motion, the deadline for filing a response in this matter for defendant Khristenko was extended to December 23, 2005.

3. According to the Court's docket, the deadline for filing a response in the matter for defendant OAO Gazprom was also December 23, 2005.

4. On November 17, 2005, plaintiffs, pursuant to 28 U.S.C. § 1608(a)(3) & (b)(3), requested the Clerk of the Court to send by registered mail, return receipt, service of summons and complaint and notice of suit to defendants Russian Federation, OAO Gazprom, OAO Rosneft Oil Company, and OAO Rosneftegaz. On December 6, 2005, the Clerk of the Court performed the requested mailings.

5. On December 20, 2005, plaintiffs and defendant Khristenko filed a further Consent Motion to Extend and Establish Deadlines for Responding to the Complaint, which remains pending. Under that motion, it was agreed that, without waiver of any rights regarding, *inter alia*, all defenses including immunity defenses and service defenses, the time for both defendant Khristenko and defendant Gazprom to file their responses would be 60 days after the date of service on the first of the defendants served pursuant to the procedures described in paragraph 4, above.

6. On January 11, 2006, plaintiffs notified the Court that no response had been received to the mailings sent pursuant to paragraph 4, above. Plaintiffs, therefore, requested that alternate service be performed on the Russian Federation pursuant to 28 U.S.C. §1608(a)(4). The plaintiffs expect that service on the Russian Federation, pursuant to 28 U.S.C. § 1608(a)(4), will be completed imminently.

7. On January 12, 2006, the plaintiffs filed an affidavit of service regarding defendant Alexei Kudrin. According to the Court's docket, the deadline for filing a response in the matter for defendant Kudrin is February 1, 2006.

8. Without affecting or impairing all rights that any party may have regarding insufficiency of service and all other defenses, defendants Gazprom, Rosneft and Rosneftgaz have agreed to treat the attempted service upon them pursuant to 28 U.S.C. § 1608(b)(3) as if it were received on the same date of transmittal indicated in the diplomatic note that transmits the summons and complaint to the Russian Federation pursuant to 28 U.S.C. § 1608(a)(4).

9. Plaintiffs intend to continue seeking to serve additional defendants.

10. Based upon the foregoing, plaintiffs and Defendants respectfully request that the Court enter an order revising the deadlines for responding to the Complaint as follows:

a. The time for the defendants Khristenko, Kudrin, Gazprom, Rosneft and Rosneftgaz to respond to the Complaint shall be 60 days after the date of service on the Russian Federation pursuant to 28 U.S.C. § 1608(a)(4).

b. Plaintiffs shall respond to such pleadings or motions as are filed by any of the Defendants pursuant to the schedule set forth in paragraph 10(a), above, within 60 days of such filing, and the defendants who have filed such pleadings or motions shall then have 20 days to file their replies.

11. Plaintiffs agree that they will not seek to postpone their time to respond to any motions filed by any of the defendants identified in paragraph 10(a) on the ground that additional defendants have been served or need to be served.

12. The deadlines requested in this Consent Motion will not delay the litigation because plaintiffs' current service efforts are not yet completed, and the revised response date

will simply allow for a common date for responding to the Complaint by a greater number of defendants. The proposed schedule will promote the organized and efficient resolution by the Court of motions to dismiss.

For the foregoing reasons, the plaintiffs and the Defendants jointly move for an order implementing the agreed filing deadlines set forth in paragraph 10, above.

February 1, 2006

Respectfully submitted,

\s\ Marney L. Cheek
O. Thomas Johnson, Jr.
James A. Goold
Marney L. Cheek (DC Bar No. 470596)
Covington & Burling
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Telephone: (202) 662-6000
Facsimile: (202) 662-6291

Counsel to Plaintiffs Richard Allen, et al.

\s\ Jay L. Alexander
R. Stan Mortenson (DC Bar No. 114678)
Jay L. Alexander (DC Bar No. 412905)
Ryan E. Bull (DC Bar No. 481473)
Baker Botts L.L.P.
1299 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Telephone: (202) 639-7700
Facsimile: (202) 585-1057

OF COUNSEL:
Michael S. Goldberg
One Shell Plaza
910 Louisiana
Houston, Texas 77002-4995
Telephone: (713) 229-1234
Facsimile: (713) 229-1522

*Counsel to Defendants Minister Viktor
Khristenko and Minister Alexei Kudrin*

\s\ William M. Sullivan, Jr.
William M. Sullivan, Jr.
(DC Bar No. 467269)
WINSTON & STRAWN LLP
1700 K Street, N.W.
Washington, D.C. 20006-3817
Telephone: (202) 282-5000

OF COUNSEL:

W. Gordon Dobie
Greg Vamos
WINSTON & STRAWN LLP
35 W. Wacker Drive
Chicago, Illinois 60601
Telephone: (312) 558-5600

Counsel to Defendant OAO Gazprom

\s\ Adam P. Strochak

Adam P. Strochak
(DC Bar No. 439308)
WEIL, GOTSHAL & MANGES LLP
1300 Eye Street NW,
Suite 900
Washington, D.C. 20005
Telephone: (202) 682-7000

OF COUNSEL:

Richard W. Slack
WEIL, GOTSHAL & MANGES LLP
767 5th Avenue
New York, NY 10153
Telephone: (212) 310-8000

Greg S. Coleman
WEIL, GOTSHAL & MANGES LLP
8911 Capital of Texas Highway
Suite 1350
Austin, TX 78759
Telephone: (512) 349-1930

*Counsel to Defendants OAO Rosneftegaz &
OAO Rosneft Oil Company*