

October 17, 2022

VIA CM/ECF

The Honorable George B. Daniels
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

The Honorable Sarah Netburn
United States Magistrate Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *In re Terrorist Attacks on September 11, 2001*, No. 03-md-1570 (GBD) (SN)
Havlish, et al. v. Bin-Laden, et al., No. 03-cv-9848 (GBD) (SN)
John Does 1 through 7 v. the Taliban, et al., No. 20-mc-740 (GBD) (SN)
Smith v. The Islamic Emirate of Afghanistan, et al., No. 01-cv-10132 (GBD) (SN)

Notice of Supplemental Authority Regarding Report & Recommendation

Dear Judges Daniels and Netburn:

On behalf of Mr. Naseer A. Faiq as *amicus curiae*, we write to provide the Court notice of a Statement of Interest filed recently by the United States of America in *Caballero v. Fuerzas Armadas Revolucionarias de Colombia, et al.*, No. 1:20-mc-00040 (W.D.N.Y filed Sept. 20, 2022). Most relevant to the pending turnover proceedings, the Statement explains that “[i]t is the view of the United States that TRIA does not provide an independent basis for subject-matter jurisdiction in a claim against a foreign state, or its agencies and instrumentalities, that is not designated as a state sponsor of terrorism.” *Caballero* Statement at 9. A copy of the Statement is attached.

Mr. Faiq submits this Statement as further support for his brief as *amicus curiae*, see MDL Dkt. 7932-1 at 13-17 (making same argument), and Magistrate Judge Netburn’s Report and Recommendation, see MDL Dkt. 8463 at 11-27 (reaching the same conclusion).

Respectfully submitted,

/s/ Natasha Arnpriester

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