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March 13, 2026

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By CM/ECF
Catherine O'Hagan Wolfe
Clerk of Court
U.S. Court of Appeals for the Second Circuit
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

**Re: *Petróleos de Venezuela, S.A. et al. v. MUFG Union Bank, N.A., et al.*,
No. 25-2652 (2d Cir.)**

Dear Ms. Wolfe:

Pursuant to Federal Rule of Appellate Procedure 28(j), appellees write to advise the Court about a relevant statement submitted by the United States government on March 11 in *Stansell v. FARC*, 16-mc-405 (S.D.N.Y.), and the consolidated cases. Magistrate Judge Netburn had invited the United States to “file a statement of interest” “[i]n light of recent events in Venezuela.” Order, No. 16-mc-405 (S.D.N.Y. Jan. 12, 2026), Dkt. 612. In its response, the United States informed the court that the United States “is recognizing Delcy Rodríguez as the sole Head of State, able to take action on behalf of Venezuela.” *See* Statement at 2, No. 16-mc-405 (S.D.N.Y. Mar. 11, 2026), Dkt. 621. The United States otherwise “decline[d] to opine” on the issues in the litigation. *Id.* The recognition of President Rodríguez undermines several of appellants’ arguments before this Court.

First, the recognition of President Rodríguez further weakens appellants’ arguments that the amicus brief filed by the Republic of Venezuela warrants dispositive weight. That brief was “filed on behalf of the Venezuelan National Assembly that was elected in 2015, speaking for the Republic.” Venezuela Br. 1 n.1. The 2015 National Assembly no longer speaks for the Republic. Accordingly, the views expressed in that brief are entitled to less, if any, weight. *See Animal Science Products, Inc. v. Hebei Welcome Pharmaceutical Co.*, 585 U.S. 33, 43 (2018) (identifying “the role and authority of the entity or official offering the

statement” as one factor governing the “appropriate weight” to afford a foreign government’s interpretation).

Second, because the 2015 National Assembly is no longer Venezuela’s recognized government, any rationale for treating its resolutions as acts of state is substantially reduced. The act-of-state doctrine exists to prevent judicial encroachment on the political branches’ foreign-affairs prerogatives. *See Banco Nacional de Cuba v. Sabbatino*, 376 U.S. 398, 427-428 (1964). But those considerations may “shift[] if the government which perpetrated the challenged act of state is no longer in existence.” *Id.* at 428.

We would appreciate it if you would circulate this letter to the panel.

Respectfully submitted,

/s/ Kannon K. Shanmugam
KANNON K. SHANMUGAM

cc: Counsel of record (via CM/ECF)

Enclosure: Statement of Interest of the United States, *Stansell v. FARC*, No. 16-mc-405 (S.D.N.Y. Mar. 11, 2026), Dkt. 621.



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street
New York, New York 10007*

March 11, 2026

Via ECF

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

Re: *Stansell et al. v. FARC et al.*, 16 Misc. 405 (LGS) (SN)
Pescatore et al. v. Palmera Pineda et al., 18 Misc. 545 (LGS) (SN)
In re Claims Against the Valero-Petrocedeño Account, 20 Misc. 249 (LGS) (SN)
Osio et al. v. Maduro Moros et al., 25 Misc. 390 (LGS) (SN)

Dear Judge Netburn:

I write on behalf of the United States of America in connection with the Court's order issued on January 12, 2026, which, "[i]n light of recent events in Venezuela," invited the Government to "file a statement of interest pursuant to 28 U.S.C. § 517 on (1) the authority-to-represent issue and (2) any other issues raised by the litigation that the United States deems of interest." Dkt. No. 612, *Stansell v. FARC*, No. 16 Misc. 405 (LGS) (SN).¹

The United States, pursuant to 28 U.S.C. § 517,² respectfully provides this Statement of Interest in response to the Court's order. As to the first point, the government advises the Court that "[o]n March 5, 2026, the United States issued a statement announcing the normalization of relations with Venezuela under interim President Delcy Rodriguez." Letter from Ambassador Michael G. Kozak, Senior Bureau Official, Bureau of Western Hemisphere Affairs, U.S. Department of State, to Jay Clayton, United States Attorney for the Southern District of New York, attached hereto as Exhibit A, at 2. Additionally, on March 7, President Trump—referring to the March 5 statement issued by the State Department—stated, "this week we have formally recognized the Venezuelan government. We've actually legally recognized them."³

¹ The Court granted the government's requests to extend its time to respond until March 11, 2026. Dkt. Nos. 618, 620, *Stansell v. FARC*, No. 16 Misc. 405 (LGS) (SN).

² Congress has authorized the Attorney General to send "any officer of the Department of Justice . . . to any State or district in the United States to attend to the interests of the United States in a suit pending in a court of the United States." 28 U.S.C. § 517; see *Georges v. United Nations*, 834 F.3d 88, 91 & n.10 (2d Cir. 2016).

³ Video at 31:14-20, President Trump Delivers Remarks at the Shield of the Americas Summit (Mar. 7, 2026), <https://www.whitehouse.gov/videos/president-trump-delivers-remarks-to-the-shield-of-americas-summit>.

As the State Department advises, the United States’ “engagement is focused on helping the Venezuelan people move forward through a phased process that creates the conditions for a peaceful transition to a democratically elected government.” Ex. A at 2. “In order to facilitate this transition, the United States is recognizing Delcy Rodriguez as the sole Head of State, able to take action on behalf of Venezuela.” *See id.*

The United States otherwise respectfully declines to opine on the pending dispute regarding “which counsel is authorized to represent certain Venezuelan state-owned entities,” *see Stansell*, Dkt. No. 612 at 1, particularly as the facts underlying the representation question have changed substantially since the dispute pending before the Court emerged.

As to the second point, the United States appreciates the Court’s invitation to provide its views on other issues raised by the litigation, but respectfully declines to do so at this time. However, the United States leaves open the possibility of a future submission, if appropriate, at a later stage in the litigation.

I thank the Court for its consideration of this matter.

Respectfully submitted,

JAY CLAYTON
United States Attorney

By: /s/ Samuel Dolinger
SAMUEL DOLINGER
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007



cc: Counsel of record (by ECF)

Exhibit A

March 10, 2026

Jay Clayton
United States Attorney
86 Chambers Street, 3rd Floor
New York, NY 10007

Re: *Stansell et al. v. FARC et al.*, 16 Misc. 405 (LGS) (SN); *Pescatore et al. v. Palmera Pineda et al.*, 18 Misc. 545 (LGS) (SN); *In re Claims Against the Valero-Petrocedeño Account*, 20 Misc. 249 (LGS) (SN); *Osio et al. v. Maduro Moros et al.*, 25 Misc. 390 (LGS) (SN)

Dear Mr. Clayton,

I would be grateful for your assistance in presenting this letter to the U.S. District Court for the Southern District of New York. This letter is submitted in response to the Court's invitation to the United States to express its views in the above-captioned matter, as directed by the Court's order dated January 12, 2026.

Pursuant to the Court's request, I write to address the U.S. government's recognition posture with respect to Venezuela. For decades, Venezuela was plagued by successive Chavista governments which systematically destroyed democratic institutions, repressed freedom of expression, and committed other serious human rights abuses. After fraudulent presidential elections orchestrated by Nicolás Maduro in May 2018 left Venezuela without a legitimate winner, on January 23, 2019, the National Assembly elected in 2015 ("the 2015 National Assembly"), in its role as the only legitimate branch of government duly elected by the Venezuelan people, invoked the Venezuelan constitution to declare the office of the presidency vacant. Consistent with the Venezuelan constitution, the President of the National Assembly, Juan Guaidó, was sworn in as Interim President of the country. On January 23, 2019, President Trump issued a public statement recognizing Guaidó as the Interim President of Venezuela.¹ After the 2015 National Assembly voted to remove Guaidó as interim president in December 2022, the State Department issued a statement on January 3, 2023, stating: "The United States continues to recognize the democratically

¹ Statement from President Donald J. Trump Recognizing Venezuelan National Assembly President Juan Guaido as the Interim President of Venezuela (Jan. 23, 2019), <https://trumpwhitehouse.archives.gov/briefings-statements/statement-president-donald-j-trump-recognizing-venezuelan-national-assembly-president-juan-guaido-interim-president-venezuela/>

elected 2015 National Assembly as the last remaining democratic institution in Venezuela.”²

Since January 23, 2019, the United States has not recognized Maduro as the Head of State of Venezuela and that nonrecognition continues to the present. Maduro is an indicted narco-terrorist who awaits trial in U.S. federal court for his crimes.

On March 5, 2026, the United States issued a statement announcing the normalization of relations with Venezuela under interim President Delcy Rodriguez.³ Remarking on this development at a summit with Latin American leaders on March 7, President Trump noted that “this week we have formally recognized the Venezuelan government [under Delcy Rodriguez]” and added: “We’ve actually legally recognized them.”⁴ Normalization will facilitate our joint efforts to promote stability, support economic recovery, and advance political reconciliation in Venezuela. Our engagement is focused on helping the Venezuelan people move forward through a phased process that creates the conditions for a peaceful transition to a democratically elected government. In order to facilitate this transition, the United States is recognizing Delcy Rodriguez as the sole Head of State, able to take action on behalf of Venezuela. I would also note that while we are normalizing diplomatic and consular relations with Venezuela, we continue to closely scrutinize transactions with the interim authorities and will use the International Economic Emergency Powers Act and other available tools to work toward a better future for the Venezuelan people.

We trust that these views will be of assistance to the Court in its assessment of the issues before it.

Respectfully,



Ambassador Michael G. Kozak
Senior Bureau Official
Bureau of Western Hemisphere Affairs
U.S. Department of State

² Press Statement, Ned Price, Spokesperson, Dep’t of State, Venezuela’s Interim Government and the 2015 National Assembly (Jan. 3, 2023), <https://2021-2025.state.gov/venezuelas-interim-government-and-the-2015-national-assembly/>

³ Media Note, A Statement on U.S.-Venezuela Relations (Mar. 5, 2026), <https://www.state.gov/releases/office-of-the-spokesperson/2026/03/a-statement-on-u-s-venezuela-relations>.

⁴ Video, President Trump Delivers Remarks at the Shield of the Americas Summit (Mar. 8, 2026), <https://www.whitehouse.gov/videos/president-trump-delivers-remarks-to-the-shield-of-americas-summit/>, at 31:14.

From: Jose Cardenas

Sent: Friday, March 13, 2026 6:24 PM

Cc: [REDACTED]

Subject: USG Recognition & Blocked Assets: Venezuela

Colleagues,

As you can see from the attached, it didn't take long for the bondholders to seize upon USG recognition of the Rodríguez regime. They are going for the kill in the courts.

We still do not know what the implications of USG recognition are for E.O. 13884 and OFAC GL 31B protecting Venezuelan assets abroad, but the fallout is beginning.

As we have argued, we believe summarily surrendering blocked properties to the regime — i.e., Citgo — will have negative consequences for U.S. energy security and be a set back for the democratic transition.

We hope that is not the administration's plan — and we look forward to continuing and expeditious conversations on this urgent issue.

Thank you for your consideration.

Best Regards,

José R. Cárdenas

c) 202-812-0123

"DISSEMINATED BY THE CORMAC GROUP, A REGISTERED FOREIGN AGENT, ON BEHALF OF THE AD HOC BOARD OF PETROLEOS DE VENEZUELA, S.A. THROUGH VISION AMERICAS INTERNATIONAL LLC. MORE INFORMATION IS ON FILE WITH THE DEPARTMENT OF JUSTICE, WASHINGTON, D.C."

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