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TIMOTHY B. FLEMING
OF COUNSEL

November 30, 2021

The Honorable George B. Daniels
UNITED STATES DISTRICT JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Daniel P. Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007-1312

The Honorable Sarah Netburn
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007-1312

Re: *In re: Terrorist Attacks on September 11, 2001*, 03-md-01570 (GBD)(SN)
Havlish, et al. v. bin Laden, et al., 1:03-cv-9848 (GBD)(FM)
Response to the U.S. Government's request for extension of time to file its
Statement of Interest

Dear Judge Daniels and Magistrate Judge Netburn:

I write in response to the United States Government's letter filed today requesting a further extension of the time to consider filing a Statement of Interest in these proceedings. The Government requests a further extension from December 3, 2021 to January 28, 2021. We respectfully request that any additional extension of time afforded the Government be limited to December 28, 2021.

On September 13, 2021, twenty years since their loved ones were killed in the September 11, 2001 terrorist attacks, the Havlish Judgment Holders, having previously served a valid restraining notice, served an enforceable writ of execution on the Federal Reserve Bank of New York relating to assets in which the Taliban, a judgment debtor in this action, has an interest. The writ of execution seeks to compel the New York Federal Reserve Bank to turn over almost \$7 billion in assets – assets the Taliban openly assert belong to them – to the Havlish Judgment Holders. “‘Just give us our money’: Taliban push to unlock Afghan billions abroad,” REUTERS, October 29, 2021 (copy attached as Exhibit A). Further, according to a November 29, 2021, New York Times report, the Biden administration “sees the claims by [the Havlish Judgment Holders] as legitimate and believes those need to be addressed through [the funds at the New York Federal Reserve Bank] as well.” “Taliban and 9/11 Families Fight for Billions in Frozen Afghan Funds,” NEW YORK TIMES, November 29, 2021 (copy attached as Exhibit B).

The United States appeared in this case on September 16, 2021, asking the Court to stay any further effort to enforce the Havlish Judgment Holders' writ of execution until October 14, 2021, pending a decision on whether the United States intended to file a Statement of Interest. (Havlish Doc. No. 526.) The Havlish Judgment Holders did not oppose that request. On

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October 14, 2021, the United States notified the Court that it intended to file a Statement of Interest by December 3, 2021 and asked the Court to extend the stay precluding the Havlish Judgment Holders from executing against the Taliban's assets. (Havlish Docket ECF No. 532.) Again, the Havlish Judgment Holders did not oppose that request.

Now, more than two and one-half months after the Court stayed the Havlish Judgment Holders' enforcement proceeding, the United States asks the Court to extend the stay and the deadline for it to file its Statement of Interest until next year. If granted, the requested extension would result in a more than five-month stay that will have prevented the Havlish Judgment Holders from enforcing their writ of execution. The Havlish Plaintiffs oppose such a lengthy extension.

The Havlish Judgment Holders have an enforceable judgment. They have a valid writ of execution. The Government does not dispute, and in fact appears to recognize, the legitimacy of both the judgment and the writ of execution. Therefore, the Havlish Judgment Holders should be permitted to enforce their writ of execution and compel the New York Federal Reserve Bank to turn over the \$7 billion in assets that are subject to the writ.

The Havlish Judgment Holders are agreeable to extending the time for the United States to file its Statement of Interest to December 28, 2021. Having waited twenty years, they should not be required to wait longer than that.

Respectfully,

A handwritten signature in black ink, appearing to read "Timothy B. Fleming". The signature is fluid and cursive, with the first name "Timothy" and last name "Fleming" clearly distinguishable.

Timothy B. Fleming
For the Havlish Judgment Holders

cc: All Counsel of Record via ECF