## IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA

AGENCIA DE GARANTIA DE DEPOSITOS, Plaintiff / Counter-defendant,	)
v. ROBERTO ISAIAS DAS SUM and	Complex Business Litigation Division Case No.: 09-34950CA-40
WILLIAM ISAIAS DASSUM,	) III ORIO II
Defendants / Counter-plaintiffs.	
	MAR 1 8 2010
	) CIRCUIT COURT ENDE OF THE

#### PLAINTIFF'S UNOPPOSED MOTION TO SUBSTITUTE PARTY PLAINTIFF

The original Plaintiff in this action was the Agencia de Garantia de Depositos ("AGD"), an agency of the Government of the Republic of Ecuador. The AGD was dissolved pursuant to the Laws of Ecuador on December 31, 2009. The Republic of Ecuador, through its General Procurator and pursuant to the relevant Laws of Ecuador, has assumed the right and power formerly held by the AGD to pursue this lawsuit against Defendants.

Accordingly, pursuant to Florida Rule of Civil Procedure 1.260(c), the undersigned hereby respectfully moves for an order substituting the Republic of Ecuador as the Plaintiff herein.<sup>1</sup>

Dated this 18th day of March, 2010.

<sup>&</sup>lt;sup>1</sup> Undersigned counsel have kept counsel for Defendants informed of the fact that they have been in the process of determining the identity of the successor plaintiff. Following all of the necessary governmental processes required when a governmental agency is dissolved, the decision regarding the AGD's successor for purposes of this lawsuit was made in Ecuador and undersigned counsel was informed of that decision today, March 18, 2010. Defendants, despite being informed that undersigned counsel was in the process of determining the proper successor to the AGD for purposes of this litigation, on March 10, 2010, nevertheless filed their own Motion for Substitution or Joinder ("Motion"). Counsel for Defendants have represented that they will withdraw their Motion once they receive the instant motion for substitution.

### Respectfully submitted,

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Bv:

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Counsel for Plaintiff/Counter-Defendant

#### **CERTIFICATE OF GOOD FAITH CONFERENCE**

Pursuant to CLP Rule 4.3, the undersigned counsel for the AGD certifies that she has conferred in writing with counsel for Defendants/Counter-Plaintiffs, William Ashworth, in a good-faith effort to resolve by agreement the issues raised in the instant Motion and counsel for Defendants/Counter-Plaintiffs does not oppose the instant Motion.

By:

Digna B. French

#### **CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was served via electronic mail and U.S. mail this 18<sup>th</sup> day of March, 2010, upon counsel for Defendants/Counter-Plaintiffs: Peter J. Kahn, William P. Ashworth, and Monica M. Leon, Williams & Connolly LLP, 725 Twelfth St., N.W., Washington, D.C. 20005, and Michael Tarre, Two South Biscayne Blvd., Suite 3700, Miami, Florida 33131.

By: Allin D. David

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Plaintiff / Counter-defendant, v.  ROBERTO ISAIAS DAS SUM and WILLIAM ISAIAS DASSUM, Defendants / Counter-plaintiffs.  Defendants / Counter-plaintiffs.  ) Case No.: 09-34950CA	AGENCIA DE GARANTIA DE DEPOSITOS,	)	
ROBERTO ISAIAS DAS SUM and ) Case No.: 09-34950CA	Plaintiff / Counter-defendant,	)	
WILLIAM ISAIAS DASSUM, )	v.	)	••
	ROBERTO ISAIAS DAS SUM and	)	Case No.: 09-34950CA
Defendants / Counter-plaintiffs.  ) Complex Business Litigation Section ) ) )	WILLIAM ISAIAS DASSUM,	)	
	Defendants / Counter-plaintiffs.	)	Complex Business Litigation Section
) ) )		)	
		)	
)		)	
		)	

# [PROPOSED] ORDER GRANTING PLAINTIFF'S UNOPPOSED MOTION TO SUBSTITUTE PARTY PLAINTIFF

THIS CAUSE having come before the Court on Plaintiff's Unopposed Motion to Substitute Party Plaintiff ("Motion"), and this Court having reviewed the Motion and having considered the record in this cause, and being otherwise advised in the premises, it is hereby

ORDERED AND ADJUDGED that:

The Motion is hereby GRANTED.

The Republic of Ecuador shall be substituted as the Plaintiff/Counter-Defendant in this matter.

DONE AND ORDERED in Chambers in Miami, Florida, this \( \frac{1}{4} \) day of \( \frac{\text{March.}}{2010.} \)

Judge GM S. Freeman

Copies furnished to:

Alvin B. Davis, Esq. William Ashworth, Esq. Michael Tarre, Esq. Conformed Copy

MAR 19 2010 Gill S. Freeman Circuit Court Judge