

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

EXXON MOBIL CORPORATION,	)	
	)	
Plaintiff-Appellee,	)	No. 21-7127
	)	
v.	)	
	)	
	)	
CORPORACIÓN CIMEX, S.A. (CUBA),	)	
	)	
Defendant-Appellant	)	

*On Appeal from the U.S. District Court for the District of Columbia,  
Case No. 19-cv-1277-APM*

**STATEMENT OF THE ISSUES TO BE PRESENTED ON APPEAL**

Corporación CIMEX, S.A. (Cuba) (“CIMEX (Cuba)”) will present the following issues in the present appeal:

1. Whether the Foreign Sovereign Immunities Act’s expropriation exception, 28 U.S.C. § 1605(a)(3), alone controls Plaintiff’s action, so that its requirements must be satisfied for there to be subject matter and personal jurisdiction, or whether subject matter and personal jurisdiction may alternatively be established under the Foreign Sovereign Immunities Act’s commercial activity exception, 28 U.S.C. § 1605(a)(2);

2. Whether the requirements of the Foreign Sovereign Immunities Act's "direct effect" prong of the commercial activity exception, 28 U.S.C. § 1605(a)(2), have been satisfied as to CIMEX (Cuba).

Dated: November 30, 2021

Respectfully submitted,

/s/ Michael Krinsky

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**CERTIFICATE OF SERVICE**

This is to certify that the foregoing was electronically filed with the Clerk of Court using the CM/ECF system that will automatically send email notification of such filing to all counsel of record.

/s/ Michael Krinsky  
Michael Krinsky