UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VIP ENGINEERING AND MARKETING, LTD.,

Plaintiff,

- against -

STANDARD CHARTERED BANK,

Defendant.

13 Civ. 4754 (VM)

ORDER

USDC SDNY
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DATE FILED: 9/23/2013

VICTOR MARRERO, United States District Judge.

By Order dated September 10, 2013 (the "September 10 Order"), the Court dismissed this action on forum non conveniens grounds. (Dkt. No. 9.) That order directed defendant Standard Chartered Bank ("Standard Chartered") to file a statement confirming its consent to jurisdiction in the Republic of Tanzania ("Tanzania"). (Id.) Standard Chartered had previously represented to the Court, both orally and in writing, that it viewed the Tanzania as a proper forum for this action, and that the parties were engaged in related litigation there commenced by plaintiff VIP Engineering and Marketing, Limited ("VIP"). (See Def.'s Mem. of Law in Support of Mot. to Compel Arbitration & to Stay or Dismiss 21-22, Dkt. No. 4.) The Court relied upon these representations in reaching the decision embodied in its September 10 Order, having read Standard

Chartered's statements as constituting a declaration of consent to the adjudication of this action in Tanzania.

In a September 19, 2013 letter to the Court, Standard Chartered essentially sought to withdraw its previous representations that Tanzania would be an adequate alternate forum. (Dkt. No. 10.) The reasons Standard Chartered stated for its purported change was that Tanzania's highest court had recently issued a ruling unfavorable to Standard Chartered in a case there involving VIP's sale of the assets that are at issue in the instant action. On September 20, 2013, VIP filed a responsive letter that objected to Standard Chartered's attempt to withdraw its prior representations concerning Tanzania as a convenient alternative forum. (Dkt. No. 11.)

The Court reaffirms its September 10 Order, which relied on Standard Chartered's representations that it considered Tanzania an adequate alternative forum, and which the Court deems an expression of Standard Chartered's consent to the adjudication of this action in Tanzania, and to comply with any final judgment rendered by any court of competent jurisdiction there in connection with the parties' underlying dispute.

SO ORDERED.

Dated: New York, New York
23 September 2013

Victor Marrero
U.S.D.J.