

**THE UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF ILLINOIS  
 EASTERN DIVISION**

RICHARD BLEIER; ELFRIEDE KORBER;	)	Civil Action
CHRISTOPHER MARK;	)	No. 08 CV 6254
Individually and on Behalf of	)	
All Others Similarly Situated	)	<b>THE HONORABLE</b>
	)	<b>JAMES B. ZAGEL</b>
Plaintiffs,	)	United States District Court Judge
-vs-	)	
	)	<u>CLASS ACTION</u>
BUNDESREPUBLIK DEUTSCHLAND a/k/a	)	
“FEDERAL REPUBLIC OF GERMANY”; et al.	)	
	)	Hon. Susan E. Cox
	)	Magistrate Judge
	)	
Defendants.	)	

**MOTION FOR DEFAULT JUDGMENT**

**AGAINST DEUTSCHE BUNDESBANK - “GERMAN NATIONAL BANK”**

NOW COME Plaintiffs, RICHARD BLEIER, CHRISTOPHER MARK, ELFRIEDE KORBER, by and through their undersigned counsel, Hassan A. Abbas, Attorney at Law, and respectfully move this Honorable Court to enter judgment by default against Defendant Deutsche Bundesbank (“German National Bank”) In support thereof, Plaintiffs aver as follows:

1. On May 10, 2010, the Clerk of the United States District Court, Michael W. Dobbins, issued an Alias Summons for the defendant, Deutsche Bundesbank (“German National Bank”) situated in Wilhelm-Epstein St. 14, D-60431, Frankfurt am Main, Germany.
  
2. On July 5, 2010, Plaintiffs’ counsel, Hassan A. Abbas, travelled to Frankfurt am Main, and hand-delivered to the Oberlandesgericht, at Zeil 42, Frankfurt am Main, which is the designated “Central Authority” or “Receiving Authority” under the applicable Hague Convention - for Frankfurt am Main (See www.olg-frankfurt.justiz.hessen.de) - of two copies

of the *Alias Summons* and *Second Amended Complaint* (in duplicate), and two copies also translated into the official German language, in accordance with the applicable international convention - the Hague Convention on Service Abroad of Judicial or Extrajudicial Documents.

3. Plaintiffs' counsel, Hassan A. Abbas, also delivered with the summons and complaint the applicable and signed Request for Service Abroad of Judicial Or Extrajudicial Documents (USM-94 form) – with the documents to be served upon the designated defendant “addressee” - Deutsche Bundesbank (“German National Bank”).
4. The official Request For Service Abroad of Judicial or Extrajudicial Documents (USM-94 form), was signed by Plaintiffs' local counsel, Santo P. Terenzio, Esq. as “applicant”, and the documents were duly received and taken by the employees/representatives of the designated “Central Authority”, the Oberlandesgericht, and received by Mr. Heinz, who stamped the extra copy of the Request for Service Abroad of Judicial Documents. (*See* attached stamped copy from Oberlandesgericht). Mr. Heinz indicated his name and phone number to follow up with him at Oberlandesgericht for confirmation of the service upon Deutsche Bundesbank.
5. The documents were duly forwarded and/or were served upon the named defendant, Deutsche Bundesbank (“German National Bank”) by the Oberlandesgericht (“Central Authority”), on July 14, 2010, as confirmed by Ms. Violnof, by telephone to Plaintiff Elfriede Korber, who called the Oberlandesgericht and spoke with Ms. Violnof in German. Deutsche Bundesbank had sixty days exclusive of day of service to file an appearance and answer or response.
6. Deutsche Bundesbank should have responded by September 13, 2010, after being properly served the documents, and has intentionally ignored the summons and complaint and has failed to answer or respond or file a motion for extension of time and is therefore defendant Deutsche Bundesbank is subject to default judgment. In addition, Deutsche Bundesbank had

- notice of the lawsuit two years ago and was served by registered mail in November 2008.
7. Also, Ms. Violnof of the Obrelandesgericht Frankfurt am Main indicated on the telephone to Plaintiff Elfriede Korber that the "Aktenzeichen" No. was 9341EI/31550/10 relative to the service of process upon Deutsche Bundesbank which was executed July 14, 2010.
  8. Plaintiff Elfriede Korber requested the written confirmation but Ms. Violnoff indicated that she spoke with her superior and she was not authorized to give the "bestatigung" or "certificate" in writing, but that the "Aktenzeichen" number was confirmation of the proper service upon Deutsche Bundesbank by the "Central Authority" Oberlandesgericht Frankfurt.
  9. Plaintiff Korber then sent the fax to Plaintiff's counsel Hassan Abbas, and she noted on the fax the "Aktenzeichen" No. which was given to her by Ms. Violnof of the Oberlandesgericht in Frankfurt am Main confirming service of process on Deutsche Bundesbank. (See attached).
  10. The Request For Service Abroad of Judicial or Extrajudicial Documents, extra copy provided by Plaintiffs' counsel was stamped by Mr. Heinz (see attached document) as proof of receipt of the documents above-mentioned by the Oberlandesgericht in Frankfurt, and he stated to Plaintiff's counsel the documents would be forwarded and/or served by the Oberlandesgericht Frankfurt upon the defendant Deutsche Bundesbank, located on Wilhelm-Epstein St. 14, D-60431, Frankfurt am Main, in accordance with the procedures of "Central Authority" Oberlandesgericht, the internationally agreed upon convention for service abroad, German law, and/or the provisions of sub-paragraph (a) of article 5 of the Hague Convention.
  11. There was no objection by Oberlandesgericht or by Mr. Heinz to the designated defendant "addressee" to be served the Deutsche Bundesbank. There were no objections made by Oberlandesgerichts or Mr. Heinz to Plaintiff's counsel Hassan A. Abbas in Frankfurt. There were no objections to documents hand-delivered in Frankfurt at Oberlandesgericht ("Central Authority") for service of process under Hague Convention upon Deutsche Bundesbank.

12. Accordingly, Plaintiffs have followed the procedures under the FSIA (as requested or insisted by Germany – See Docket No. 185-1) and Plaintiffs have followed the procedures of the Hague Convention for Service Abroad of Judicial and Extrajudicial Documents upon defendant Deutsche Bundesbank - and have done so in accordance with the applicable Federal Rules Civil Procedure, Rule 4, and 28 USC §1608, and Plaintiffs followed the United States Supreme Court case of *Volkswagenwerk Aktiengesellschaft v. Schlunk*, 486 U.S. 694, 700, 705 (1988) which states relative to service of process under Hague Convention that (“compliance with the Convention is mandatory in all cases to which it applies).
13. This proper service of process upon the Deutsche Bundesbank by the Oberlandesgericht Frankfurt am Main also demonstrates the incorrect nature of the prior false statements of Germany and German Finance Ministry and their defense counsel Rubin Winston Diercks Harris, Cooke, LLP – who stated in their previously filed papers, along with Clement, that the “Central Authority” in Germany does not serve process pursuant to the Hague Convention in legal actions due to “sovereignty” or “immunity” or “security” risk to German government.
14. In this case the Plaintiffs did not file the Affidavit of Service immediately on July 14, 2010, upon Deutsche Bundesbank by Oberlandesgericht Frankfurt am Main, because of what occurred previously with German Finance Ministry improper return of documents - and thus there was no opportunity for Germany on this occasion to attempt to “undo” service - as was improperly done in June 2010 with *Senatsverwaltung Fur Justiz Von Berlin* relative to Hague Convention Service of process which had been properly executed upon *German Finance Ministry*, and then improper return of documents after the filing of plaintiff’s affidavit.
15. Plaintiffs have fully complied with the applicable Foreign Sovereign Immunities Act, and also the Plaintiffs have complied with the Hague Convention on Service Abroad of Judicial or Extrajudicial Documents in civil and commercial matters, signed at the Hague, November 15,

1965, and the United States and Germany have ratified the Hague Convention on Service Abroad which is in force and applicable and correct method of service used.

16. Plaintiffs have complied with Rule 4 of the Federal Rules of Civil Procedure and complied with 28 USC §1608, and complied with FSIA, and complied with Supreme Court precedent and complied with the Hague Convention Service Abroad, by “Central Authority” in Germany, and service has been duly executed by Oberlandesgericht Frankfurt am Main upon the defendant Deutsche Bundesbank.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiffs respectfully pray and move the Honorable Court:

1. Grant the Plaintiffs judgment by default against Defendant DEUTSCHE BUNDESBANK (“German National Bank”) and issue an order establishing a means by which to determine the amount of damages to be awarded against the defendant.
  
2. Such other relief as the Court deems just and proper.

Dated: September 14, 2010

Respectfully submitted,

RICHARD BLEIER  
ELFRIEDE KORBER  
CHRISTOPHER MARK  
& Proposed Class Members  
**PLAINTIFFS**

By: /s/Hassan A. Abbas  
Plaintiffs’ Counsel

Hassan A. Abbas  
(Illinois ARDC No. 6206474)  
Attorney and Counselor at Law  
Hoveniersstraat 2, Ste. 232/B.344  
Antwerpen 2018 Belgium  
Tel +323 233 3910 Fax +323 233 9767  
[haa-law@hotmail.com](mailto:haa-law@hotmail.com)

**CERTIFICATE OF FILING AND SERVICE**

I, Hassan A. Abbas, do hereby certify that a true and correct copy of the foregoing MOTION FOR DEFAULT JUDGMENT AGAINST DEFENDANT – DEUTSCHE BUNDESBANK (“GERMAN NATIONAL BANK”) was electronically filed this 14<sup>th</sup> day of September 2010, and further was served via the court’s ECF/CM electronically to the defendants’ counsel of record.

/s/ Hassan A. Abbas

Plaintiffs Counsel