

Letter

From: LosAngeles@Embassy.mzv.cz on behalf of Embassy LosAngeles <LosAngeles@Embassy.mzv.cz>
Sent: Wednesday, July 14, 2021 2:06 PM
To: Trader Orders; Lian Abernathy
Cc: Martin Fott; jr.; Ivo Svoboda; Honorary Hawaii
Subject: Case # CV 21-00243LEK-RT
Attachments: Note 2101-1_2021_Wash.pdf

CAUTION - EXTERNAL:

Chambers of Mag. Judge Rom A. Trader
c/o Lian Abernathy, Courtroom Manager
United States District Court
District of Hawaii
Honolulu

Los Angeles, July 14, 2021

Dear Judge,
Dear Madam,

In Case # CV 21-00243LEK-RT (Civil Action No. 1-21-cv-00243), the Honorary Consul of the Czech Republic in Honolulu, Ms. Ann Suzuki Ching, received "Notice of a lawsuit and request to waive service of a summons", and "Waiver of the service of summons", both issued by the United States District Court for the District of Hawaii.

Ms. Ching referred the Notice/Waiver to the Consulate General of the Czech Republic in Los Angeles, her overseeing (career) consulate.

Our Consulate General consulted the Notice/Waiver with the Ministry of Foreign Affairs of the Czech Republic in Prague.

As a formal response to the Notice/Waiver, the Embassy of the Czech Republic in Washington, DC, issued a Note Verbale to the US Department of State (Note no. 2101-1/2021-Wash of June 30, 2021).

While it is expected that the US Department of State will notify the Court about the contents of said Note Verbale, for the sake of good order, informally, I am attaching a scan of the Note Verbale to this e-mail for your reference, in particular ahead of the telephonic hearing of the Case, scheduled for July 19, 2021.

I also wish to inform you that all consular functions of Ms. Ching terminated on June 30, 2021, and the Honorary Consulate of the Czech Republic in Honolulu is temporarily closed.

Thank you in advance for confirming the receipt of this e-mail and of the scan of the Note Verbale in enclosure.

Kind regards,

Josef Smycek
Deputy Consul General
Consulate General of the Czech Republic
10990 Wilshire Blvd., Suite 1100
Los Angeles, CA 90024

Tel.: (310) 473-0889
Fax: (310) 473-9813
E-mail: losangeles@embassy.mzv.cz
Web: www.mzv.cz/losangeles

(See attached file: Note 2101-1_2021_Wash.pdf)



Ministerstvo zahraničních věcí České republiky
Ministry of Foreign Affairs of the Czech Republic

DŮVĚRNOST INFORMACÍ: Tento e-mail včetně jakýchkoliv souborů či příloh k němu připojených může být důvěrný a může obsahovat údaje nebo sdělení pod ochranou právních předpisů. Nejste-li jeho zamýšleným adresátem a obdrželi jste ho zřejmě omylem či se vás jeho obsah netýká, uvědomte prosím neprodleně odesílatele a vymažte ho ze svého systému. V takovém případě byste e-mail neměli kopírovat ani s ním jinak nakládat pro své potřeby či s jeho obsahem seznámit jakoukoliv třetí osobu.

CONFIDENTIALITY NOTICE: This email message including any attached files may be confidential and may contain information or communications legally protected from disclosure. If you are not the intended recipient of this message and it has been addressed to you in error or if the contents of this message is not relevant to you, please inform the sender without delay and delete the message from your system. Unless you are the intended recipient, you may not copy the message, use it or disclose it to third parties.

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.




No. 2101-1/2021-Wash

The Embassy of the Czech Republic presents its compliments to the U.S. Department of State and has the honor to forward to the Office of the Chief of Protocol of the Department of State (a copy of) the notice of a lawsuit, dated May 21, 2021, against the Czech Republic (Honorary Consulate of the Czech Republic in Honolulu) before the United States District Court for the District of Hawaii.

The Embassy wishes to point out that the service of the notice of a lawsuit against the Czech Republic did not fulfil the conditions set forth in the customary international law regime of the jurisdictional immunities of states, neither in the United States Foreign Sovereign Immunities Act of 1976, namely that the service of process shall be effected by transmission through diplomatic channels or in accordance with any applicable treaty or arrangement and shall be accompanied by a translation into the official language of the state concerned. Therefore, the service of the notice of a lawsuit is ineffective and irrelevant and Czech Republic will not enter an appearance in the above proceeding before the District Court. Further, the Czech Republic does not intend to waive any requirements concerning the service of process upon the Czech Republic, provided for under the legal regime of the jurisdictional immunities of states.

As regards the merits of the proceeding instituted against the Czech Republic, the activities of Czech authorities which have the character of the acts in the exercise of sovereign authority (*acta iure imperii*) are protected against any exercise of the jurisdiction of the courts of the United States, as provided for under customary international law and the United States Foreign Sovereign Immunities Act of 1976.

The course of action adopted by the United States District Court for the District of Hawaii contravenes the international and national legal regime of the jurisdictional immunities of states and their property. Therefore, the Embassy kindly requests the Department of State to inform the District Court of relevant procedural and substantive legal rules on the immunities of states and help ensure that these rules are observed towards the Czech Republic in this case.

The Embassy of the Czech Republic avails itself of this opportunity to renew to the U.S. Department of State the assurances of its highest consideration. 

Washington, D.C., June³⁰, 2021

U. S. Department of State
Office of Protocol
Washington, DC

