

**UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

David J. Smith  
Clerk of Court

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October 31, 2022

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 20-13039-U

Case Style: Corporacion AIC, SA v. Hidroelectrica Santa Rita S.A.

District Court Docket No: 1:19-cv-20294-RNS

For purpose of the upcoming en banc rehearing in the above referenced case, the court desires for counsel to focus their briefs on the following issue:

**May a federal court vacate a non-domestic arbitration award issued pursuant to the New York Convention on the ground that the arbitrators exceeded their powers under the Federal Arbitration Act, 9 U.S.C. § 10(a)(4)?**

APPELLANT'S EN BANC BRIEF SHALL BE SERVED AND ELECTRONICALLY FILED ON OR BEFORE DECEMBER 12, 2022. APPELLEE'S EN BANC BRIEF SHALL BE SERVED AND ELECTRONICALLY FILED ON OR BEFORE JANUARY 11, 2023. An en banc reply brief shall be electronically filed on or before February 1, 2023. NO EXTENSIONS WILL BE GRANTED. Parties should format their briefs according to Federal Rules of Appellate Procedure 28 and 32 and shall contain the title "En Banc Brief". Each brief must adhere to the page and type-volume limitations in Rule 32(a)(7). Fifteen (15) copies of the en banc briefs shall be filed (appellant's in blue covers, appellee's in red covers and any reply in gray covers). Counsel is expected to serve all parties a copy of their brief by the close of business on the day of filing. PAPER COPIES OF THE BRIEFS SHOULD BE RECEIVED THE NEXT BUSINESS DAY. Counsel is not required to submit the additional copies of the previous filed briefs.

The filing an en banc amicus brief is governed by 11<sup>th</sup> Cir.R.35-8.

Oral argument will be conducted the week of February 13, 2023 in Atlanta, Georgia. Each party will be allotted twenty (20) minutes per side for oral argument. Counsel will receive subsequent correspondence regarding the specific time of oral argument.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Jenifer L. Tubbs  
Phone #: 404-335-6166

BR-1CIV Civil appeal briefing ntc issued