



CHAMBERS OF  
AMY BERMAN JACKSON  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA  
WASHINGTON, D.C. 20001

**FILED**  
DEC 17 2021

Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

December 17, 2021

Richard C. Visek  
Acting Legal Advisor  
United States Department of State  
2201 C Street, N.W.  
Washington, D.C. 20520

Re: *Felber et al. v. Islamic Republic of Iran*  
Civil Action No. 19-1027  
United States District Court for the District of Columbia

Dear Mr. Visek:

The above captioned case is currently pending in the United States District Court for the District of Columbia. This case arises out of severe physical injuries sustained by plaintiff Nathaniel Felber, a U.S. national who was serving in the Israeli military at the time, in a December 13, 2018 terrorist attack. Plaintiffs allege that a Hamas operative opened fire on a bus stop at the Givat Assaf Junction in the Palestinian territories; Felber was shot in the head, two Israeli soldiers were killed, and a civilian was also injured. *See generally* Compl. (enclosed). Plaintiffs filed this action against the Islamic Republic of Iran pursuant to the terrorism exception to sovereign immunity in the Foreign Sovereign Immunities Act (FSIA), 28 U.S.C. § 1605A. The complaint states that Iran has provided material support to Hamas, and that the country has been designated a State Sponsor of Terrorism since 1984.

On January 24, 2020, the Clerk of the Court entered default as to the Islamic Republic of Iran and plaintiffs have filed a motion for default judgment. *See* Pls.' Mot. for Default J. (enclosed).

Having reviewed the complaint, affidavits submitted in support of the complaint, and plaintiffs' motion for default judgment, as well as the relevant law, it appears that the pleadings raise important questions, and that it could be helpful to the Court to learn what the Department has to say about the matter. Accordingly, pursuant to 28 U.S.C. § 517, the Court hereby invites the Department of State to communicate its views on the questions to be resolved, including but not limited to the following issues:

1. The Department of State's position as to whether the terrorism exception to sovereign immunity applies when a U.S. national is injured while they are on duty as a member of a foreign military.
2. The Department of State's position as to whether Iran's support of Hamas can support liability under FSIA when Hamas has not claimed responsibility for the particular attack at issue. *See generally* Aff. of Arieh Dan Spitzen (enclosed).

If the Department chooses to convey its views on these matters, the Court would greatly appreciate a response by January 31, 2022.

Thank you very much for your consideration and cooperation.

A handwritten signature in cursive script, reading "Amy B. Jackson". The signature is written in black ink and is positioned above the printed name.

AMY BERMAN JACKSON  
United States District Judge

cc: Aaron Schlanger, Esq., w/o encl.  
Ari Ungar, Esq., w/o encl.  
Dina Gielchinsky, Esq., w/o encl.  
Michael J. Radine, Esq., w/o encl.  
Patrick J. Duprey, Esq., w/o encl.