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ATTORNEY-GENERAL OF THE FEDERATION

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MJ/LIT/ABJ/NNPC/193/2020

16 APRIL, 2020

Ruthanne M. Deutsch

Founding Partner,

Deutsch Hunt PLLC,

300 New Jersey Avenue,

Suite 900, Washington, D.C. 20002,

Tel: (202) 868-6915.

INSTRUCTION AND ENGAGEMENT

RE: ESSO EXPLORATION & PRODUCTION NIGERIA LIMITED & ORS. VS.

NNPC-14CV

8445 (WHP): APPEAL AGAINST DISMISSAL OF ESSO'S APPLICATION FOR
RECOGNITION & ENFORCEMENT OF ARBITRAL AWARD IN RE: PSC COVERING
OPL 209

(NOW OML 133): BRIEF/UPDATE & NEED FOR AMICUS BRIEFS.

The above subject matter refers.

The above subject matter relates to a protracted legal battle between the Nigeria
National

Petroleum Corporation (NNPC) and ESSO Exploration and Production Nigeria Limited
(ESSO) from the interpretation of the Production Sharing Contract dated 21* May, 1993
with

regards to OPL209/OML 133 which ESSO referred to arbitration in Nigeria and
consequently

obtained an award in its favour on 24th October, 2011.

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The Arbitral Award was challenged by NNPC at the Federal High Court, Abuja, Nigeria in

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2012 which consequently set same aside. However, ESSO in disregarding the order of the

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Federal High Court proceeded in 2014 to the US District Court, Southern District of New York,

seeking a recognition and enforcement of the Award. The said move was successfully challenged by NNPC and upheld by the US Court on the ground that the Award had been set

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aside by a competent Court in Nigeria.

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Dissatisfied, ESSO appealed to the US Court of appeal, seeking to set aside the decision of the

US Court. St

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THE FEDERATION AND MINISTER OF JUSTICE

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OFFICE OF THE ATTORNEY-GENERAL OF

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above and in an effort to strengthen and enrich its appeal, ESSO caused

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(Amicus Briefs) to be filed and forwarded to the Court by

SSO in the Appeal.

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Premised on the

independent legal submissions

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¶

some eminent jurist, lending credence to the submissions of
 Consequent upon the above, and in line with the US Civil Procedure Rules, there is the need
 for an Amicus Brief from renowned persons
 submissions in the appeal. The Amicus Briefs are to widely inter alia
 erian Courts and attest to the propriety of the decision of the
 50 for the enforcement of the Award.
 and institutions to strengthen the NNPC's
 a address "the
 independence and fairness of Nig
 US District Court" which dismissed the application of E
 NNPC United States Counsel (Messrs. Chaffetz Lindsey LLP) has advised that in
 addition to
 other briefs to be obtained from credible Nigerian Institutions and persons, the Amicus
 Briefs of both the Nigerian Institute of Advanced Legal Studies and the Nigerian Bar
 Association should also be obtained.
 In view of the above, you are hereby engaged to prepare a joint Amicus Brief on behalf
 of the
 Nigerian Bar Association and the Nigerian Institute of Advanced Legal Studies. The
 thrust of
 the Amicus Brief should be that "Nigerian Ce are independent and Internati
 Companies such as ESSO would receive a just consideration and determination of
 is] h a ve with the Federal Government of Nigeria before Nigeri "4
 Kindly note that the topic will also be in conjunction with the topic captured in paragraph
 6
 of this letter.
 Your fixed fees for this service is US\$25,000 (Twenty Five Thousand US Dollars).
 You are hereby expected to contact the following persons for more details on the
 assignment

Mr Etigwe Uwa SAN and Cecilia Froelich Moss, Prof. M.T Ladan and Mr Paul Usoro
SAN.

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The details of all mentioned contacts are as follows;Ø

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e Etigwe Uwa, SAN, FCI Arb -Nigerian Counsel to NNPCØ

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* Cecilia Froelich Moss (Partner) - UnitecØ

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«© Mr Paul Usoro SAND

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Your contact person at the Office of the Honourable Attorney General of the FeĐ

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(Nigeria) on this assignment is;Đ

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rs,Đ

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Ag. Director of Civil Litigation and Public LawĐ

Federal Ministry of Justice,Đ

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Email: maimunashiru@yahoo.comĐ

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Please confirm your acceptance of this engagement and at the same time please accept theĐ

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assurance of My best regards.Đ

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MR ABUBAKAR MALAMI, SAND

Honourable Attorney-General of theĐ

Federation & Minister of JusticeĐ

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