

U.S. District Court

Eastern District of New York

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The following transaction was entered on 8/23/2013 at 2:45 PM EDT and filed on 8/23/2013

Case Name: Linde et al v. Arab Bank, PLC

Case Number: [1:04-cv-02799-BMC-VVP](#)

Filer:

Document Number: No document attached

Docket Text:

Order granting defendant's motion to dismiss plaintiffs' ATS claims. The law of this Circuit is that plaintiffs cannot bring claims against corporations under the ATS. See Kiobel v. Royal Dutch Petroleum Co., 621 F.3d 111 (2d Cir. 2010), aff'd, Kiobel v. Royal Dutch Petroleum Co., 133 S.Ct. 1659 (2013). A decision by a panel of the Second Circuit "is binding unless and until it is overruled by the Court en banc or by the Supreme Court." Baraket v. Holder, 632 F.3d 56, 59 (2d Cir. 2011). Because the Supreme Court affirmed Kiobel I on other grounds, the Second Circuit's holding on corporate liability under the ATS remains intact. Nothing in the Supreme Court's affirmance undercuts the authority of the Second Circuit's decision. Plaintiffs' request to reinstate their federal common law claims or, in the alternative, assert non-federal common law claims is denied. The federal common law claims were dismissed not only as redundant, but also because Plaintiffs offered "no sound basis" for them. Almog v. Arab Bank, PLC, 471 F. Supp. 2d 257 (E.D.N.Y. 2007). Plaintiffs also offer no sound basis for repackaging these claims under unidentified "non-federal common law" theories. The clerk is directed to enter judgment for defendant in Joseph Jesner, et al. v. Arab Bank, PLC, 06-CV-3869; Yaffa Lev, et al. v. Arab Bank, PLC, 08-CV-3251; and Viktorija Agurenko, et al. v. Arab Bank, PLC, 10-CV-626. Associated Cases: 1:04-cv-02799-BMC-VVP et al. Ordered by Judge Brian M. Cogan on 8/23/2013. (Weisberg, Peggy)

Case Name: Almog et al v. Arab Bank, PLC

Case Number: [1:04-cv-05564-BMC-VVP](#)

Filer:

Document Number: No document attached

Docket Text:

Order granting defendant's motion to dismiss plaintiffs' ATS claims. The law of this Circuit is that plaintiffs cannot bring claims against corporations under the ATS. See Kiobel v. Royal Dutch Petroleum Co., 621 F.3d 111 (2d Cir. 2010), aff'd, Kiobel v. Royal Dutch Petroleum Co., 133 S.Ct. 1659 (2013). A decision by a panel of the Second Circuit "is binding unless and until it is overruled by the Court en banc or by the Supreme Court." Baraket v. Holder, 632 F.3d 56, 59 (2d Cir. 2011).

Because the Supreme Court affirmed Kiobel I on other grounds, the Second Circuit's holding on corporate liability under the ATS remains intact. Nothing in the Supreme Court's affirmance undercuts the authority of the Second Circuit's decision. Plaintiffs' request to reinstate their federal common law claims or, in the alternative, assert non-federal common law claims is denied. The federal common law claims were dismissed not only as redundant, but also because Plaintiffs offered "no sound basis" for them. Almog v. Arab Bank, PLC, 471 F. Supp. 2d 257 (E.D.N.Y. 2007). Plaintiffs also offer no sound basis for repackaging these claims under unidentified "non-federal common law" theories. The clerk is directed to enter judgment for defendant in Joseph Jesner, et al. v. Arab Bank, PLC, 06-CV-3869; Yaffa Lev, et al. v. Arab Bank, PLC, 08-CV-3251; and Viktorija Agurenko, et al. v. Arab Bank, PLC, 10-CV-626. Associated Cases: 1:04-cv-02799-BMC-VVP et al. Ordered by Judge Brian M. Cogan on 8/23/2013. (Weisberg, Peggy)

Case Name: Afriat-Kurtzer et al
Case Number: [1:05-cv-00388-BMC-VVP](#)
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Order granting defendant's motion to dismiss plaintiffs' ATS claims. The law of this Circuit is that plaintiffs cannot bring claims against corporations under the ATS. See Kiobel v. Royal Dutch Petroleum Co., 621 F.3d 111 (2d Cir. 2010), aff'd, Kiobel v. Royal Dutch Petroleum Co., 133 S.Ct. 1659 (2013). A decision by a panel of the Second Circuit "is binding unless and until it is overruled by the Court en banc or by the Supreme Court." Baraket v. Holder, 632 F.3d 56, 59 (2d Cir. 2011). Because the Supreme Court affirmed Kiobel I on other grounds, the Second Circuit's holding on corporate liability under the ATS remains intact. Nothing in the Supreme Court's affirmance undercuts the authority of the Second Circuit's decision. Plaintiffs' request to reinstate their federal common law claims or, in the alternative, assert non-federal common law claims is denied. The federal common law claims were dismissed not only as redundant, but also because Plaintiffs offered "no sound basis" for them. Almog v. Arab Bank, PLC, 471 F. Supp. 2d 257 (E.D.N.Y. 2007). Plaintiffs also offer no sound basis for repackaging these claims under unidentified "non-federal common law" theories. The clerk is directed to enter judgment for defendant in Joseph Jesner, et al. v. Arab Bank, PLC, 06-CV-3869; Yaffa Lev, et al. v. Arab Bank, PLC, 08-CV-3251; and Viktorija Agurenko, et al. v. Arab Bank, PLC, 10-CV-626. Associated Cases: 1:04-cv-02799-BMC-VVP et al. Ordered by Judge Brian M. Cogan on 8/23/2013. (Weisberg, Peggy)

Case Name: Jesner et al v. Arab Bank, PLC
Case Number: [1:06-cv-03869-BMC-VVP](#)
Filer:
Document Number: No document attached

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Order granting defendant's motion to dismiss plaintiffs' ATS claims. The law of this Circuit is that plaintiffs cannot bring claims against corporations under the ATS. See Kiobel v. Royal Dutch Petroleum Co., 621 F.3d 111 (2d Cir. 2010), aff'd, Kiobel v. Royal Dutch Petroleum Co., 133 S.Ct. 1659 (2013). A decision by a panel of the Second Circuit "is binding unless and until it is overruled by the Court en banc or by the Supreme Court." Baraket v. Holder, 632 F.3d 56, 59 (2d Cir. 2011). Because the Supreme Court affirmed Kiobel I on other grounds, the Second Circuit's holding on corporate liability under the ATS remains intact. Nothing in the Supreme Court's affirmance undercuts the authority of the Second Circuit's decision. Plaintiffs' request to reinstate their federal common law claims or, in the alternative, assert non-federal common law claims is denied. The federal common law claims were dismissed not only as redundant, but also because Plaintiffs offered "no sound basis" for them. Almog v. Arab Bank, PLC, 471 F. Supp. 2d 257 (E.D.N.Y. 2007). Plaintiffs also offer no sound basis for repackaging these claims under unidentified "non-federal common law" theories. The clerk is directed to enter judgment for defendant in Joseph Jesner, et al. v. Arab Bank, PLC, 06-CV-3869; Yaffa Lev, et al. v. Arab Bank, PLC, 08-CV-3251; and Viktoria Aqurenko, et al. v. Arab Bank, PLC, 10-CV-626. Associated Cases: 1:04-cv-02799-BMC-VVP et al. Ordered by Judge Brian M. Cogan on 8/23/2013. (Weisberg, Peggy)

Case Name: Lev et al v. Arab Bank, PLC

Case Number: [1:08-cv-03251-BMC-VVP](#)

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Order granting defendant's motion to dismiss plaintiffs' ATS claims. The law of this Circuit is that plaintiffs cannot bring claims against corporations under the ATS. See Kiobel v. Royal Dutch Petroleum Co., 621 F.3d 111 (2d Cir. 2010), aff'd, Kiobel v. Royal Dutch Petroleum Co., 133 S.Ct. 1659 (2013). A decision by a panel of the Second Circuit "is binding unless and until it is overruled by the Court en banc or by the Supreme Court." Baraket v. Holder, 632 F.3d 56, 59 (2d Cir. 2011). Because the Supreme Court affirmed Kiobel I on other grounds, the Second Circuit's holding on corporate liability under the ATS remains intact. Nothing in the Supreme Court's affirmance undercuts the authority of the Second Circuit's decision. Plaintiffs' request to reinstate their federal common law claims or, in the alternative, assert non-federal common law claims is denied. The federal common law claims were dismissed not only as redundant, but also because Plaintiffs offered "no sound basis" for them. Almog v. Arab Bank, PLC, 471 F. Supp. 2d 257 (E.D.N.Y. 2007). Plaintiffs also offer no sound basis for repackaging these claims under unidentified "non-federal common law" theories. The clerk is directed to enter judgment for defendant in Joseph Jesner, et al. v. Arab Bank, PLC, 06-CV-3869; Yaffa Lev, et al. v. Arab Bank, PLC, 08-CV-3251; and Viktoria Aqurenko, et al. v. Arab Bank, PLC, 10-CV-626. Associated Cases: 1:04-cv-02799-BMC-VVP et al. Ordered by Judge Brian M. Cogan on 8/23/2013. (Weisberg, Peggy)

Case Name: Agurenko et al v. Arab Bank, PLC

Case Number: [1:10-cv-00626-BMC-VVP](#)

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Docket Text:

Order granting defendant's motion to dismiss plaintiffs' ATS claims. The law of this Circuit is that plaintiffs cannot bring claims against corporations under the ATS. See [Kiobel v. Royal Dutch Petroleum Co.](#), 621 F.3d 111 (2d Cir. 2010), *aff'd*, [Kiobel v. Royal Dutch Petroleum Co.](#), 133 S.Ct. 1659 (2013). A decision by a panel of the Second Circuit "is binding unless and until it is overruled by the Court en banc or by the Supreme Court." [Baraket v. Holder](#), 632 F.3d 56, 59 (2d Cir. 2011). Because the Supreme Court affirmed [Kiobel I](#) on other grounds, the Second Circuit's holding on corporate liability under the ATS remains intact. Nothing in the Supreme Court's affirmance undercuts the authority of the Second Circuit's decision. Plaintiffs' request to reinstate their federal common law claims or, in the alternative, assert non-federal common law claims is denied. The federal common law claims were dismissed not only as redundant, but also because Plaintiffs offered "no sound basis" for them. [Almog v. Arab Bank, PLC](#), 471 F. Supp. 2d 257 (E.D.N.Y. 2007). Plaintiffs also offer no sound basis for repackaging these claims under unidentified "non-federal common law" theories. The clerk is directed to enter judgment for defendant in [Joseph Jesner, et al. v. Arab Bank, PLC](#), 06-CV-3869; [Yaffa Lev, et al. v. Arab Bank, PLC](#), 08-CV-3251; and [Viktorija Agurenko, et al. v. Arab Bank, PLC](#), 10-CV-626. Associated Cases: [1:04-cv-02799-BMC-VVP et al.](#) Ordered by Judge Brian M. Cogan on 8/23/2013. (Weisberg, Peggy)