

05-85 POWEREX CORP. V. RELIANT ENERGY SERVICES

DECISION BELOW:391 F3d 1011

LOWER COURT CASE NUMBER: 02-57200, 02-57202, 02-57210, 03-55118, 03-55131, 03-55176, 03-55241, 03-55249, 03-55266, 03-55319, 03-55322, 03-55349

QUESTIONS PRESENTED:

1. Whether an entity that is wholly and beneficially owned by a foreign state's instrumentality, and whose sole purpose is to perform international treaty and trade agreement obligations for the benefit of the foreign state's citizens, may nonetheless be denied status as an "organ of a foreign state" under the Foreign Sovereign Immunities Act of 1976 ("FSIA"), 28 U.S.C. § 1603(b)(2), based on an analysis of sovereignty that ignores the circumstances surrounding the entity's creation, conduct, and operations on behalf of its government.
2. Whether an entity is an "organ of a foreign state" under the FSIA when its shares are completely owned by a governmental corporation that, by statute, performs all of its acts as the agent of the foreign sovereign.

CERT. GRANTED 1/19/2007

LIMITED TO QUESTION 1 PRESENTED BY THE PETITION.
IN ADDITION, THE PARTIES ARE DIRECTED TO BRIEF AND ARGUE THE FOLLOWING QUESTION: WHETHER THE COURT OF APPEALS HAD JURISDICTION TO REVIEW THE DISTRICT COURT'S REMAND ORDER, NOTWITHSTANDING 28 U.S.C. §1447(d).