

06-134 PERMANENT MISSION OF INDIA V. NEW YORK

DECISION BELOW:446 F3d 365

LOWER COURT CASE NUMBER: 05-4260, 05-4263

QUESTIONS PRESENTED:

1. Does the exception to sovereign immunity for cases “in which ... rights in immovable property situated in the United States are in issue,” 28 U.S.C. § 1605(a) (4), provide jurisdiction for a municipality’s lawsuit seeking to declare the validity of a tax lien on a foreign sovereign’s real property when the municipality does not claim any right to own, use, enter, control or possess the real property at issue?
2. Is it appropriate for U.S. courts to interpret U.S. statutes by relying on international treaties that have not been signed by the U.S. Government and that do not accurately reflect international practice because they have only been signed by a limited number of other nations?

CERT. GRANTED 1/19/2007