

17-1268 OPATI V. SUDAN

DECISION BELOW: 864 F.3d 751

LOWER COURT CASE NUMBER: 14-7124, 14-7125, 14-7127, 14-7128

QUESTION PRESENTED:

The questions presented are:

1. Whether a party which knowingly and intentionally twice defaults, acts to delay and not in good faith, and affirmatively elects not to contest a nonjurisdictional legal issue before judgment may nevertheless demonstrate "extraordinary" and "exceptional" circumstances warranting appellate review of the forfeited nonjurisdictional legal issue post-judgment.

2. Whether, consistent with this Court's decision in *Republic of Austria v. Altmann*, 541 U.S. 677 (2004), the Foreign Sovereign Immunities Act applies retroactively; thereby permitting recovery of punitive damages under 28 U.S.C. § 1605A(c) against foreign states for terrorist activities occurring prior to the passage of the current version of the statute.

GRANTED LIMITED TO QUESTION 2 PRESENTED BY THE PETITION.

JUSTICE KAVANAUGH TOOK NO PART.

CERT. GRANTED 6/28/2019