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October 23, 2023

VIA E-MAIL

Honorable Dale E. Ho
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: GIC Re, India, Corporate Member Limited (as the corporate capital provider for Syndicate 1947 at Lloyd's for the 2021 and 2022 years of account) v. Tyson International Company Ltd. - Civil Action No. 1:23-cv-09175-DEH

Dear Judge Ho:

This firm represents Petitioner, GIC Re, India, Corporate Member Limited (as the corporate capital provider for Syndicate 1947 at Lloyd's for the 2021 and 2022 years of account) ("**Petitioner**" or "**GIC**"), in the above referenced matter. Please accept this as a status of this matter.

A. Procedural Background before this Court

By way of procedural background, on October 18, 2023, Petitioner filed an Order to Show Cause ("**OTSC**") for a Temporary Restraining Order along with a Petition to Compel Arbitration ("**Petition**") against Tyson International Company Ltd. ("**Respondent**" or "**TICL**"), pursuant to section 4 of the Federal Arbitration Act ("**FAA**"), 9 U.S.C. § 1, *et seq.*, and section 206 of the FAA, the enabling legislation of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958) (the "**New York Convention**"), 9 U.S.C. § 201, *et seq.* (the "**Convention Act**").

Through the filing of the OTSC, Petitioner sought a TRO to maintain the *status quo*, preserve the jurisdiction of this Court, and, most important, prevent irreparable harm to Petitioner because Petitioner would be deprived of its right to proceed with compelling the arbitration here in New York. On October 20, 2023, Petitioner served a Demand for Arbitration upon TICL.

Petitioner filed this OTSC due to concerns that Respondent would commence suit in a Court of England and Wales seeking an anti-suit injunction and an anti-suit injunction that enjoins Petitioner from proceeding with arbitration within New York as required by the Certificates and/or an action in this Court to compel arbitration.

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Counsel for Respondent filed a notice of appearance on October 20, 2023 before this Court.

B. Respondent's Proceedings before the Courts of England and Wales

Although Petitioner filed its OTSC filing on October 18, 2023, and associated paperwork which is still pending before your Honor, Respondent has – in the interim – sought for and obtained an Order from the High Court of Justice as set forth in Doc. 10 which is self-explanatory.

While Petitioner maintains that Article 13 mandates that the arbitration shall take place in New York (unless otherwise agreed) and, that the Panel shall follow the laws of New York, given the Order issued and, in an abundance of caution, Petitioner withdraws the instant application under a full reservation of its rights. Under separate cover, we will be filing the appropriate paperwork to effectuate same.

Thank you in advance for your consideration of this matter.

Should this Court have any questions, the undersigned is available.

Respectfully submitted,
HINSHAW & CULBERTSON LLP

Courtney E. Murphy
Courtney E. Murphy

The Court is in receipt of the endorsed letter, received via email to Chambers on October 23, 2023. In light of the proceedings before the High Court of Justice and Petitioner's representations, it is hereby **ORDERED** that Petitioner's *ex parte* request for a temporary restraining order, see Dkt. No. 7, is **DENIED**, as moot. Respondent's request for a stay of proceedings, see Dkt. No. 9, is **GRANTED** and the case is **STAYED**. In the event that Petitioner does not voluntarily dismiss this action, the parties shall file a status letter in sixty (60) days or within three days of any resolution of the forum question by the High Court of Justice, whichever is earlier, updating the Court of the status of this case.

The Clerk of Court is respectfully directed to unseal the letter at Dkt. No. 7 and to close the motion at Dkt. No. 9.



Dale E. Ho
United States District Judge
Dated: October 24, 2023
New York, New York