

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**ARCHIRODON CONSTRUCTION
(OVERSEAS) COMPANY LIMITED,**

Petitioner,

v.

**GENERAL COMPANY FOR PORTS OF
IRAQ, *et al.*,**

Respondents.

Civil Action No. 22-1571 (JEB)

ORDER

On June 3, 2022, Archirodon Construction (Overseas) Company Limited filed a Petition in this Court to enforce an arbitration award obtained in the International Court of Arbitration of the International Chamber of Commerce against Respondents General Company for Ports of Iraq, the Republic of Iraq, and the Republic’s Ministry of Transport. See ECF No. 1 (Pet.) at 2–3. After this Court confirmed the award, see ECF No. 18 (Award Op.) at 1, the parties engaged in unfruitful asset-discovery proceedings. In response to the deadlock and the withdrawal of Iraq’s counsel from this matter, see ECF No. 48 (Mot. to Withdraw), this Court issued an order to compel Iraq to comply with discovery proceedings within 31 days. See Minute Order of Feb. 7, 2025. That deadline came and went with no document production from Respondents.

To date, Archirodon has received only one ambiguous email from GCPI stating, with respect to its compliance with the Court’s discovery Orders, that “[GCPI] is in the process of formal procedures, and if it is completed, meanwhile [GCPI] will respond to [Archirodon] with

the appropriate reply.” ECF No. 62-17 (Exh. P) at 1. Respondents’ failure to abide by this Court’s discovery order is not seriously debatable. See ECF No. 62 (Contempt Mot.) at 2 (“To date, [R]espondents[,] . . . apart from the one cryptic email quoted above, have not communicated with Archirodon in any manner.”). Archirodon thus filed this Motion requesting the Court to hold Respondents in contempt and impose \$15,000 per day in sanctions “to coerce [R]espondents’ compliance with [the asset-discovery] orders and to compensate Archirodon for the lost use of its funds.” Id. at 7. As the Court is running out of options to induce compliance with its orders, it will grant the Motion and impose monetary sanctions.

Courts may hold a disobedient party in contempt and issue sanctions for failure “to obey an order to provide or permit discovery.” Fed. R. Civ. P. 37(b)(2)(A)(vii). Contempt is appropriate where the movant has shown “by clear and convincing evidence that the alleged contemnor has violated a clear and unambiguous order of the court.” Potter v. District of Columbia, 126 F.4th 720, 723 (D.C. Cir. 2025) (quotation marks omitted). Although the court “do[es] not have discretion to overlook a proven violation,” id. at 724, it does have “broad discretion to impose sanctions for discovery violations.” Bonds v. District of Columbia, 93 F.3d 801, 807 (D.C. Cir. 1996) (citing Nat’l Hockey League v. Metro. Hockey Club, Inc., 427 U.S. 639, 642–43 (1976)). Any sanction must be proportionate to the discovery violation committed. Id. at 808.

Respondents’ noncompliance with this Court’s orders, as mentioned above, is incontrovertible. They had nearly two months from the filing of this Motion to begin document production or face contempt. Their failure to even oppose the Motion does not assist any effort to avoid sanctions. See LCvR 7(b). To be sure, there may be explanations for Iraq’s noncompliance. The Court, however, will not speculate. Nor will it require Respondents to

show cause why they should not be held in contempt. There is little reason to believe that Iraq will suddenly comply with the asset-discovery orders upon service of a show-cause order. See Contempt Mot. at ECF p. 18 (certifying service of Motion via mail and email). Since there is no genuine dispute of material fact at issue, the Court will not require an adversarial hearing prior to issuing this contempt Order. Food Lion, Inc. v. United Food & Com. Workers Int’l Union, 103 F.3d 1007, 1019–20 (D.C. Cir. 1997); SEC v. Bilzerian, 410 Fed. Appx. 346, 348 (D.C. Cir. 2010).

In light of the discretion this Court possesses to impose sanctions, Archirodon’s request for a *per diem* fine appears reasonable and just. Other courts have typically imposed monetary sanctions against foreign sovereigns who fail to comply with asset-discovery orders. See Contempt Mot. at 4–5 (collecting cases). While the inherent power to “punish litigation misconduct” also includes other tools, “including even dismissals and default judgements,” they are ill suited for the case at hand. Shepherd v. Am. Broad. Cos., Inc., 62 F. 3d 1469, 1472 (D.C. Cir. 1995). This inherent power is undisturbed by the Foreign Sovereign Immunities Act. See FG Hemisphere Assocs., LLC v. Democratic Republic of Congo, 637 F.3d 373, 443–44 (D.C. Cir. 2011); Autotech Techs. v. Integral Rsch. & Dev., 499 F.3d 737, 744 (7th Cir. 2007).

Petitioner requests \$15,000 per day — *i.e.*, \$105,000 per week — to assist in collecting a \$120 million judgment against a foreign sovereign with \$104 billion in revenue per year. See Contempt Mot. at 8–9. This is congruent with previous sanctions against foreign sovereigns in this jurisdiction. See Micula v. Gov’t of Romania, 2020 WL 6822695, at *7 (D.D.C. Nov. 20, 2020) (levying initial sanctions of \$25,000 per week, doubling every four weeks to a maximum of \$100,000 per week, to collect \$97 million outstanding judgment from Romania); FG Hemisphere Assocs., LLC v. Democratic Republic of Congo, 603 F. Supp. 2d 1, 3 (D.D.C. 2009)

(levying initial sanctions of \$5,000 per week, doubling every four weeks to \$80,000 per week, to collect \$30 million judgment from DRC), aff'd, 637 F.3d 373 (D.C. Cir. 2011); see also Walters v. People's Republic of China, 72 F. Supp. 3d 8, 10, 13 (D.D.C. 2014) (levying sanctions of \$246,500 per day against China based on economics alone).

The Court resorts to monetary sanctions only after every available alternative has been exhausted. After several months of Respondents' stonewalling routine post-judgment discovery procedures, there are few, if any, noncoercive options to ensure compliance.

The Court, accordingly, ORDERS that:

1. Petitioner's [62] Motion for Contempt is GRANTED; and
2. Respondents General Company for Ports of Iraq, the Ministry of Transport of the Republic of Iraq, and the Republic of Iraq, jointly and severally, shall pay Archirodon \$15,000 per day from the date of this Order, terminating upon Respondents' satisfaction of the judgment or full compliance with Petitioner's First Asset Discovery Requests, ECF No. 62-4 (Exh. C).

/s/ James E. Boasberg
JAMES E. BOASBERG
Chief Judge

Date: June 10, 2025