

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 18th day of June, two thousand twelve,

NML Capital, Ltd., Aurelius Capital Master Ltd.,
ACP Master, Ltd., Blue Angel Capital I LLC,
Aurelius Opportunities Fund II, LLC, Pablo Alberto
Varela, Lila Ines Burgueno, Mirta Susana Dieguez,
Maria Evangelina Carballo, Leandro Daniel Pomilio,
Susana Aquerreta, Maria Elena Corral, Teresa Munoz
De Corral, Norma Elsa Lavorato, Cesar Ruben Vazquez,
Norma Haydee Gines, Marta Azucena Vazquez, Olifant
Fund, Ltd.,

Plaintiffs-Appellees,

v.

The Republic of Argentina,

Defendant-Appellant.

ORDER

Docket Nos. 12-105(Lead),12-109(Con),
12-111 (Con), 12-157(Con),
12-158 (Con),12-163 (Con),
12-164 (Con), 12-170 (Con),
12-176 (Con), 12-185 (Con),
12-189 (Con), 12-214 (Con),
12-909 (Con), 12-914 (Con),
12-916 (Con), 12-919 (Con),
12-920 (Con), 12-923 (Con),
12-924 (Con), 12-926 (Con),
12-939 (Con), 12-943 (Con),
12-951 (Con), 12-968 (Con),
12-971 (Con)

Judge Leval has become aware in preparing this case that a friend of many years gave an expert affidavit for Argentina in the district court. Troland Link, Esq., and Judge Leval were college classmates during the 1950's and have had a friendly relationship for many years. The Links and the Levals have been guests in each others' houses.

Judge Leval is confident that his friendship with Mr. Link would have no effect on his consideration of the case. Nonetheless, he believes it would not be unreasonable to question at least the appearance of partiality, especially given that, in addition to his friendship with a witness for Argentina, Judge Leval, as the parties are undoubtedly aware, practiced from 1969 to 1975, first as an associate, then as a partner, with the Cleary Gottlieb firm, which represents Argentina.

In view of the combination of circumstances, Judge Leval will take recusal unless the parties unanimously remit the disqualification. *See* Code of Conduct for United States Judges, Canon 3(D). The parties are directed to advise the Clerk by email as rapidly as possible and in any event within

24 hours whether they remit Judge Leval's disqualification. The Clerk will advise the panel whether the parties have, or have not, unanimously remitted the disqualification and will not advise of the position of any individual party.

So ordered.

For the Court:
Catherine O'Hagan Wolfe
Clerk of Court


