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June 5, 2013

Via e-mail

Hon. William K. Suter
Clerk of the Court
Supreme Court of the United States
1 First Street, N.E.
Washington, DC 20543

Re: No. 12-138, BG Group PLC v. Republic of Argentina

Dear General Suter:

As counsel for Respondent in the above-captioned case scheduled for conference on June 6, I write to bring to the Court's attention the decision of the U.S. Court of Appeals for the Second Circuit decided June 3, 2013, in VRG Linhas Aereas S.A. v. MaitlinPatterson Global Opportunities Partners II L.P., No. 12-593-cv ("VRG") (enclosed).

VRG speaks to the purported conflict between the Second Circuit and the D.C. Circuit addressed in the Brief in Opposition at 17-19 and in the Brief for the United States as Amicus Curiae at 16-17. In particular, the process the Second Circuit prescribed to determine whether the parties expected the court or the arbitrators to determine a question of "arbitrability," slip op. at 6-9, is the one followed by the D.C. Circuit. VRG then explained (slip op. at 6 n.2):

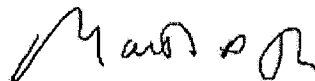
The more basic issue, however, of whether the parties agreed to arbitrate in the first place is one only a court can answer, since in the absence of any arbitration agreement at all, "questions of arbitrability" could hardly have been clearly and unmistakably given over to an arbitrator.

Hon. William K. Suter
June 5, 2013
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I respectfully request that this letter and the Second Circuit's opinion be distributed.

Thank you very much for your time and consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Matthew D. Slater". The signature is fluid and cursive, with a large initial "M" and a distinct "D" and "S".

Matthew D. Slater

Encl.: as stated
cc: Counsel for Petitioner