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# A winged victory for the Ivory Coast

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A Baltimore-based solo practitioner obtained a ruling for the Republic of the Ivory Coast in federal court in Washington, D.C., yesterday, in a breach of contract suit by a disappointed would-be buyer of a jet from the presidential fleet.

A federal magistrate judge granted the African country summary judgment in a dispute with New Jersey-based **Stellar Aviation International Inc.**, which alleged that it agreed to purchase the luxury Gulfstream III for \$7.2 million in 2001.

But Ivory Coast, the suit alleged, failed to deliver the jet, costing Stellar \$1.8 million — the profit the company was set to make by reselling the plane to a third party.

Stellar obtained a default judgment against Ivory Coast in 2002 and started freezing the accounts of its permanent mission to the United Nations as well as **Petroci**, the country's state-owned oil company.

Ivory Coast's fortunes changed when it hired Martin H. Schreiber II to represent it.

In August 2003, Schreiber successfully persuaded a federal judge in Washington to vacate the default judgment; yesterday, the judge magistrate granted his motion for summary judgment.

"We contended that the plane had mechanical problems that prevented it



SCHREIBER: NO LOST PROFITS

from flying across the Atlantic," Schreiber said yesterday. "And even if we were in breach, the contract only allowed Stellar to get back its security deposit of \$100,000, which it had already gotten back before it even filed the suit."

Yesterday, the court agreed.

"The plain language of the parties' contract ... precludes recovery by Plaintiff of lost profits," U.S. Magistrate Judge Deborah A. Robinson wrote.

Stellar's Vienna, Va.-based lawyer, John T. Husk, said his client had not yet decided whether to appeal yesterday's ruling.

"They thought that they had a deal," Husk said.

## Second language

Schreiber said he got the case through a Washington-based lawyer with connections to the Ivory Coast, who used to refer criminal matters involving that country's embassy offi-

cial to Schreiber's former employer — **Brown, Goldstein & Levy** of Baltimore.

Because he spoke French, Schreiber said, he developed a relationship with the Washington lawyer and his clients from the Ivory Coast.

When the same lawyer called him about the airplane dispute, Schreiber said, he jumped at the chance.

He ended up going to an emergency hearing in New York, where he convinced a judge that diplomatic immunity barred Stellar from seizing the accounts of Ivory Coast's Permanent Mission to the United Nations.

He then convinced a federal judge in Washington to vacate the default judgment, thus unfreezing Petroci's accounts and putting a stop to Stellar's attempts to freeze the accounts of Ivory Coast's Washington embassy.

Ivory Coast has been destabilized by civil conflict since 2002. France has peacekeepers in the country and has intervened in the conflict.

"One of things that kept coming up is: what is the condition of the plane today and had it been bombed by the French?" Schreiber said.

The answer, he said, is no — the plane is fine.

The Gulfstream III is one of three presidential planes owned by the Ivory Coast, the lawyer said.

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