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FILED

JAN 16 2009

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____ DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

11 IN RE:) 2:08-MC-0047 LKK GGH
12 REQUEST FROM KOREA PURSUANT TO)
13 THE TREATY BETWEEN THE UNITED)
14 STATES OF AMERICA AND THE) ORDER SUBSTITUTING
15 GOVERNMENT OF THE REPUBLIC) COMMISSIONERS
16 OF KOREA ON MUTUAL LEGAL)
17 ASSISTANCE IN CRIMINAL MATTERS)
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19)
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USA vs *In Re Request from Korea Pursuant to Treaty Between the USA and the Government of Korea*

Doc. 6

ORDER

Upon application of the United States, and upon review of the request from Korea seeking evidence under the *Treaty between the United States of America and the Republic of Korea on Mutual Legal Assistance in Criminal Matters* (Treaty Doc. 104-1 104th Cong. 1st Sess.) (the "Treaty"),

IT IS HEREBY ORDERED, that Assistant U.S. Attorney Courtney J. Linn, previously appointed as Commissioner in this matter, be relieved of all duties and obligations of that appointment, due to his resignation of his position as Assistant U.S. Attorney;

1 IT IS FURTHER ORDERED, pursuant to the authority conferred by
2 the Treaty, as well as 28 U.S.C. § 1782 and this Court's inherent
3 authority, that Assistant U.S. Attorney Jean M. Hobler is appointed
4 as a Commissioner of this Court and is hereby directed to execute the
5 Treaty request as follows:

6 1. Take such steps as are necessary, including if necessary
7 the issuance of commissioner's subpoenas to collect the evidence
8 requested; *

9 2. Provide notice to the recipient of the subpoena of the
10 time, date and place for the production of documents responsive to
11 it;

12 3. Disclose such copies of this Order as is necessary to
13 accomplish the purposes of the request for assistance.

14 4. Adopt procedures to collect the evidence requested,
15 consistent with its use in the investigation or proceeding for which
16 Korea has requested assistance, ~~* * which procedures may be specified in~~
17 ~~the request or provided by or with the approval of the Korean Central~~
18 ~~Authority under the Treaty;~~

19 5. Seek such further orders of this Court as may be necessary
20 to execute this request; and

21 6. Certify and submit the evidence collected for its further
22 transmission to Korea.

23 /// * see * below

24 /// * * not inconsistent with the Federal Rule of
25 /// Civil Procedure, unless otherwise ordered
26 /// by the court.

27 /// Copy

28 ///

IT IS FURTHER ORDERED that, in collecting the evidence requested, the Commissioner may be accompanied by persons whose presence or participation is authorized by the Commissioner, including, without limitation, law enforcement agents and/or representatives of Korea.

IT IS SO ORDERED.

DATED: January 16, 2009

GREGORY G. HOLLOW

GREGORY G. HOLLOWES
UNITED STATES MAGISTRATE JUDGE