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THE REPUBLIC OF ECUADOR

14
15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**

17 *In re* Application of:) Case No. C-10-80225 MISC CRB (EMC)
18)
19 THE REPUBLIC OF ECUADOR,) **STIPULATION TO ACCEPT SERVICE OF**
20 Applicant,) **PROCESS AND FOR BRIEFING**
21) **SCHEDULE FOR MOTION TO QUASH**
22 For the Issuance of a Subpoena for the Taking) **ORDER**
23 of a Deposition and the Production of) Date: November 3, 2010
24 Documents In a Foreign Proceeding Pursuant to) Time: 3:00 p.m.
25 28 U.S.C. § 1782.) Place: Courtroom C, 15th Floor
26) 450 Golden Gate Avenue
27) San Francisco, California
28)

1 The Republic of Ecuador, by and through its counsel, Winston & Strawn LLP, and
2 Diego Fernando Borja Sánchez, also known as Diego Borja (“Borja”), by and through his counsel,
3 Arguedas, Cassman & Headley, LLP, hereby stipulate to the following:

4 1. Arguedas, Cassman & Headley, LLP, on behalf of Borja, hereby accepts
5 service and acknowledges receipt of the Subpoena to Testify at a Deposition or to Produce
6 Documents in a Civil Action issued in the above referenced case pursuant to the Court’s ORDER
7 GRANTING REPUBLIC OF ECUADOR’S EX PARTE APPLICATION FOR THE ISSUANCE
8 OF A SUBPOENA dated September 15, 2010 (the “Subpoena”).

9 2. Borja shall file and serve his motion to quash the Subpoena (“Motion to
10 Quash”) no later than October 6, 2010.

11 3. The briefing schedule and hearing date for the Motion to Quash shall be as
12 follows:

13	October 6, 2010	Borja’s Motion to Quash
14	October 20, 2010	Republic of Ecuador’s Opposition
15	October 27, 2010	Borja’s Reply
16	November 10, 2010	Hearing at 3:00 p.m. or at such other date or time set by
17		the Court.

18 4. The current date set for the deposition and production of documents pursuant
19 to the Subpoena, October 1, 2010 at 9:30 a.m., shall be changed to a date at the same time and
20 location that is not more than 28 days (unless otherwise agreed to by the mutual consent of the
21 parties) following the entry of an order denying the Motion to Quash, with documents allowed by
22 such order to be produced to Winston & Strawn LLP not later than 14 days after entry of such order.

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1 5. Should Borja fail to file the Motion to Quash as stipulated, then the documents
2 responsive to the Subpoena shall be produced to Winston & Strawn no later than October 13, 2010
3 and the deposition shall commence on October 27, 2010 at 9:30 a.m. at the San Francisco offices of
4 Winston & Strawn LLP.

5
6 Dated: September 24, 2010

WINSTON & STRAWN LLP

7
8 By: /s/ Richard A. Lapping
9 Eric W. Bloom
10 C. MacNeil Mitchell
11 Richard A. Lapping
12 Attorneys for Applicant
13 The Republic of Ecuador

14
15 Dated: September 24, 2010

ARGUEDAS, CASSMAN & HEADLEY, LLP

16 By: /s/ Michael W. Anderson
17 Cristina Arguedas
18 Michael W. Anderson
19 Attorneys for
20 Diego Fernando Borja Sánchez

21 IT IS SO ORDERED.

22 Dated: 9/28/10

23 EDWARD M.
24 United States

