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5 **UNITED STATES DISTRICT COURT**
6 **NORTHERN DISTRICT OF CALIFORNIA**
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8 **SAN FRANCISCO DIVISION**

9 In re the Application of:

10 THE REPUBLIC OF ECUADOR and DR.
11 DIEGO GARCIA CARRION,

12 Applicants,

13 For the Issuance of a Subpoena Under 28
14 U.S.C. § 1782 to Dr. MICHAEL A. KELSH
15 for the Taking of a Deposition and the
16 Production of Documents in a Foreign
17 Proceeding.

18 **AND RELATED CASES**

Case No. 11-mc-80171 CRB (NC)

**INTERIM ORDER RE: MOTION TO
COMPEL PRODUCTION OF
DOCUMENTS FROM DR.
MICHAEL A. KELSH**

Re: Dkt. No. 40

Related Cases:

10-mc-80324 CRB (NC)
10-mc-80087 CRB (NC)
11-mc-80110 CRB (NC)
11-mc-80225 CRB (NC)
11-mc-80172 CRB (NC)

19 Applicants the Republic of Ecuador and Dr. Diego Garcia Carrion, on behalf of the
20 Republic of Ecuador in his capacity as Attorney General (collectively “the Republic”),
21 bring this action for discovery for use in a foreign proceeding under 28 U.S.C. § 1782.

22 The Republic moves to compel the production of documents from Respondent Dr.
23 Michael A. Kelsh. Dkt. No. 40. The Court issues this interim order directing an *in*
24 *camera* review of all documents listed in Respondents’ privilege log as follows:

25 1. Respondents are ordered to produce for *in camera* review all documents
26 identified in Respondents’ privilege log on or before December 23, 2011. (Respondents
27 submitted to the Court the identified documents by CD at the conclusion of the hearing).

28 2. The Republic’s request for extended deposition time of Dr. Kelsh is denied

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INTERIM ORDER RE:
MOTION TO COMPEL

1 without prejudice pending the Court's *in camera* review. The Republic may proceed with
2 Dr. Kelsh's deposition. If, after the *in camera* review, the Court orders further documents
3 to be produced, The Republic may seek additional deposition time of Dr. Kelsh only as to
4 the additionally produced documents and information.

5 3. The Court will issue further guidance upon completing its *in camera* review.

6 4. The parties are ordered to confer further concerning Request for Production No.
7 4, seeking documents relating to Dr. Kelsh's compensation. *See* Dkt. No. 40 at 19. If
8 Respondents have not produced documents responsive to this request by January 6, 2012,
9 they are ordered to show cause why they should not be sanctioned for failure to comply
10 with a discovery request.

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12 IT IS SO ORDERED.

13 DATED: December 21, 2011

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16 NATHANAEL M. COUSINS
17 United States Magistrate Judge
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