

United States District Court  
For the Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

	)	Misc. Case No. 10-80034 JW (PVT)
	)	
IN RE BELUGA SHIPPING GMBH & CO.)	)	<b>INTERIM ORDER SOLICITNG</b>
KS "BELUGA FANTASTIC" v.)	)	<b>FURTHER BRIEFING REGARDING</b>
SUZLONG ENERGY LTD., FEDERAL )	)	<b>SUZLON'S PETITION FOR LEAVE TO</b>
COURT PROCEEDINGS, NSD 1670 OF )	)	<b>CONDUCT DISCOVERY IN AID OF</b>
2008 BEFORE THE FEDERAL COURT, )	)	<b>FOREIGN JUDICIAL PROCEEDING</b>
NEW SOUTH WALES, AUSTRALIA )	)	<b>PURSUANT TO 28 U.S.C. § 1782</b>
	)	
	)	[Docket No. 13]

Suzlon Energy, Ltd., Suzlon Energy Australia PTY Ltd., Suzlon Infrastructure Limited, Suzlon Wind Energy Corporation, USA, Suzlon Structures PTE, Ltd., and SE Shipping PTE Ltd. (collectively "Suzlon") has petitioned for leave to conduct discovery in aid of foreign judicial proceedings pursuant to 28 U.S.C. § 1782.

In an action proceeding in the Federal Court in New South Wales, Australia, Suzlon states that their former employees, Rajagopalan Sridhar (Chief Manufacturing Officer) and Sanjeev Bangad (General Manager, Logistics), have been named as cross-defendants and allegations against them include claims for fraud and breach of fiduciary duty. Specifically, Suzlon alleges that individual cross-defendants Sridhar and Bangad misrepresented to the company whether Suzlon could procure sufficient ships to transport Suzlon's cargo, and instead themselves, formed and incorporated several companies to financially benefit from transporting Suzlon's cargo.

1           Suzlon petitions to subpoena the contents of the electronic mail accounts for individual  
2 cross-defendant Sridhar and Bangad hosted by non-party Google, Inc. (“Google”). Suzlon believes  
3 that the email accounts were used by individual cross-defendants to facilitate their egregious  
4 conduct. Additionally, Suzlon petitions to depose personnel from Google to authenticate the emails  
5 from the two above-specified electronic mail accounts. Because Google’s headquarters is located in  
6 Mountain View, California and in this district, Suzlon petitions this court for leave to take discovery.

7           On February 12, 2010, the court issued an order denying without prejudice Suzlon’s petition  
8 for leave to conduct discovery in aid of foreign judicial proceedings pursuant to 28 U.S.C. § 1782  
9 and instructing Suzlon to serve cross-defendants Sridhar and Bangad, who were believed to reside in  
10 Australia.

11           On February 24, 2010, Suzlon represented that cross-defendants Sridhar and Bangad were  
12 located and imprisoned in India. *See* Docket No. 9. On March 1, 2010, Suzlon was ordered to serve  
13 cross-defendants Sridhar and Bangad in India. To date, Suzlon has not confirmed service of the  
14 petition on cross-defendants Sridhar and Bangad in India.

15           IT IS HEREBY ORDERED that Suzlon shall file a supplemental brief regarding whether  
16 service of the petition to cross-defendants Sridhar and Bangad in India is required pursuant to 28  
17 U.S.C. § 1782 no later than April 27, 2010.


18           IT IS FURTHER ORDERED that the hearing scheduled to be held on April 13, 2010 is  
19 continued to May 18, 2010 at 10AM.

20           Non-party Google, Inc. may file an opposition, if any, to Suzlon’s petition no later than May  
21 7, 2010. Suzlon may file its reply, if any, no later than May 12, 2010.

22           Suzlon shall serve non-party Google with a copy of this order.

23           IT IS SO ORDERED.

24 Dated: April 12, 2010

25   
26 PATRICIA V. TRUMBULL  
27 United States Magistrate Judge  
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