

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re Application of MICHAEL PENNER and)
STUART SYBERSMA in their capacity as)
Joint Official Liquidators of BTU POWER)
COMPANY (IN OFFICIAL LIQUIDATION))
for Order Granting Leave to Conduct Discovery)
for Use in Proceeding in Foreign Tribunal)
Pursuant to 28 U.S.C. § 1782,)
Applicants.)

Civil Case No. 17-cv-12136-IT

**ORDER REGARDING MOTION FOR LEAVE TO CONDUCT
SUPPLEMENTAL DISCOVERY PURSUANT TO 28 U.S.C. § 1782**

Applicants Michael Penner and Stuart Sybersma, in their capacity as Joint Voluntary Liquidators (“JVLs”) of BTU Power Company (In Voluntary Liquidation) (“BTUPC”), filed a Motion for Leave to Conduct Supplemental Discovery Pursuant to 28 U.S.C. § 1782 [#38]. By their Motion, the JVLs seek to obtain discovery from ADP Payroll Systems, Inc., American Express Company, Iron Mountain, Inc., and Bank of America Corp. (collectively the “Respondents”) for use in a foreign proceeding that the JVLs have initiated in the name of BTUPC against Wael Almazeedi in the Grand Court of the Cayman Islands.

It is hereby ORDERED that:

(1) By May 11, 2018, the JVLs shall serve each Respondent with a copy of the: (a) Motion and supporting Memorandum of Law; (b) Third Affidavit of Michael Penner; (c) Second Affidavit of Thomas M. Ciampa; (d) Memorandum & Order of this Court dated November 22, 2017; and (e) this Order. The JVLs shall file on the court’s docket a certificate certifying service of these documents.

(2) Any Respondent that wishes to oppose the JVLs’ request that this Court authorize the JVLs to serve limited discovery under 28 U.S.C. § 1782 and Intel Corp. v. Advanced

Microdevices, Inc., 542 U.S. 241 (2004), shall file and serve its opposition through the Court's ECF system by June 1, 2018; and

(3) The court will schedule a hearing if necessary upon the filing of an opposition.

IT IS SO ORDERED.

Date: May 7, 2018

/s/ Indira Talwani
United States District Judge