

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BENTHOS MASTER FUND, LTD.,

Petitioner,

-against-

AARON ETRA,

Respondent.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/2/22

20-CV-3384 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS the parties appeared for a conference on August 2, 2022; and

WHEREAS at that conference, the Court found Respondent Aaron Etra in contempt of its order issued on July 14, 2022, *see* Order, Dkt. 143;

IT IS HEREBY ORDERED that, as the Court stated on the record at the August 2, 2022 hearing, not later than **August 10, 2022**, Mr. Etra must produce the following items, or otherwise produce adequate documentation indicating that he is unable to do so:

- 1) Monthly statements for any IOLA account he held at Metropolitan Commercial Bank, from August 1, 2018 until closing or to the present, if the account remains open;
- 2) Monthly statements from August 1, 2018 to July 1, 2021 for the “DDA 2060” account at Piermont Bank;
- 3) Monthly bank statements for all accounts into which Respondent’s social security checks were deposited after August 1, 2018 and prior to the time such payments began to be deposited into his account at Piermont Bank;
- 4) All monthly statements for the HSBC bank account ending in x9990 from August 1, 2018 to the present, or, if that account has been closed, statements from August 1, 2018, through the closing;

- 5) All monthly statements for the HSBC bank account ending in x6096 from August 1, 2018 to the present, or, if that account has been closed, statements from August 1, 2018, through the closing;
- 6) The monthly statement for November 2019 for the HSBC bank account ending in x6401, and the monthly statements for that same account from April 30, 2020 through the account's closing on June 19, 2020;
- 7) All monthly statements for the HSBC bank account ending in x6509 after December 1, 2019 through the account's closing on June 19, 2020;
- 8) All monthly statements for the HSBC bank account ending in x6509 from August 1, 2018 to the present, or, if that account has been closed, statements from August 1, 2018, through the closing;
- 9) The closing statement for the Citibank account ending in x0669;
- 10) Monthly bank statements for the CitiBank IOLA account ending in 0873.

IT IS FURTHER ORDERED that, as to all escrow agreements that Respondent has failed to produce that are encompassed within the July 14, 2022 Order, Respondent must either produce all such documents by **August 22, 2022**, or must move to quash the subpoena for those agreements not later than **August 19, 2022**. The memorandum in support of the motion to quash must be no longer than 15 double-spaced pages with standard margins and otherwise comply with the Undersigned's Individual Rules. Petitioner's response, also limited to 15 double-spaced pages, is due not later than **September 9, 2022**. Respondent's reply, of no more than 5 double-spaced pages, is due not later than **September 16, 2022**. The parties are reminded that they must brief only the narrow legal issue of whether the escrow agreements are privileged recognizing that the names of clients, which Petitioner represented at the August 2, 2022 hearing was the

only material it sought, have already been disclosed. These escrow agreements include, *but are not necessarily limited to*, agreements with:

- 1) Day Law & Associates P.C. (Piermont 2292)¹
- 2) Renato Corzo (Piermont 2292)
- 3) 1/Goldfinger Enterprise SL (M&T 7045)
- 4) Charles L. Weinstein ITF Marlene Mar (M&T 7045)
- 5) Fisher Enterprise (M&T 3441)
- 6) Oceanix Inc. (M&T 3441)
- 7) Steven Kavanagh (M&T 3441)
- 8) Novavis Medical AG (M&T 3441)
- 9) Pound International Sender (M&T 3441)
- 10) Michael E. Bagley (M&T 3441)
- 11) Alba Lucia Giraldo (M&T 3441)
- 12) Pass LLC (M&T 3441)
- 13) Desmond Hinds (M&T 3441)
- 14) Konrad Jan Banasiak (M&T 3441)
- 15) 1/Borna Tomicic (M&T 3441)
- 16) Tennessee Bar Foundation (M&T 3441)
- 17) Ultima Racing Stable PTE Ltd. (M&T 3441)
- 18) Fiscal Asset Management Europe Pty (M&T 3441)
- 19) George Michael Du Plooy (M&T 3441)
- 20) Patrick Creamer (M&T 3441)

¹ The parentheticals reflect the accounts that identify the particular client.

- 21) Timothy L. Sanford (M&T 3441)
- 22) Incept Holdings BVI Ltd. (M&T 3441)
- 23) Charles Nastasi (M&T 3441)
- 24) Eric Valdes (M&T 3441)
- 25) Puerta Del Pacifico (M&T 3441)
- 26) DIZA Marine Services and Surveys (M&T 3441)
- 27) Harold Wright Peavy (M&T 3441)
- 28) John R. Watkins (M&T 3441)
- 29) Peavy & Co., Inc. (M&T 3441)
- 30) Valarie Baptiste Irrevocable Private Trust (M&T 3441)
- 31) Razur 7711 LLC (3441)


Should Respondent's motion to quash be denied, Respondent must be prepared to disclose all escrow agreements, or otherwise produce adequate documentation indicating he is unable to do so, by the time indicated in the Court's order deciding the motion.

IT IS FURTHER ORDERED that the Court will, by separate order, refer to the assigned Magistrate Judge the question of whether Respondent has custody or control over the two European bank accounts at SberBnak and Uni-Credit and, therefore, his failure to produce monthly bank account statements from August 1, 2018 to the present or, if those accounts are closed, statements from August 1, 2018, through their closing, as required by the July 14 Order, *see* Dkt. 132 at 4, constitutes contempt of court.

IT IS FURTHER ORDERED that the Clerk of Court is respectfully directed to mail a copy of this order to Mr. Etra.

SO ORDERED.

Date: August 2, 2022
New York, New York


VALERIE CAPRONI
United States District Judge