



Mayer Brown LLP  
1221 Avenue of the Americas  
New York, NY 10020-1001  
United States of America

T: +1 212 506 2500  
F: +1 212 262 1910

mayerbrown.com


March 19, 2021

Application GRANTED.  
SO ORDERED.  
Dated: 4/7/2021

**Michael O. Ware**  
T: +1 212 506 2593  
F: +1 212 849 5593  
MWare@mayerbrown.com

BY ECF

Hon. P. Kevin Castel  
United States District Judge  
500 Pearl St.  
New York, N.Y. 10007



P. Kevin Castel  
United States District Judge

Re: Ex parte Application of Klein  
20 Misc. 203 (PKC)

Dear Judge Castel:

We have just been engaged by Alexandre R. Benedek to evaluate his rights in connection with this proceeding under 28 U.S.C. § 1782. In this case, two of Mr. Benedek's sisters, Sylvia Benedek Klein and Elaine Benedek Segal (the "Applicants") have apparently obtained financial information concerning Mr. Benedek and now seek more, allegedly for use in proceedings in Brazil. According to the parts of the docket accessible through the ECF system, no Court conferences are presently scheduled.

On February 17, 2021, the Court entered a public order, ECF 13. That order granted Applicants' second § 1782 application, directed that certain papers be served on Mr. Benedek and other defendants in certain Brazilian proceedings, and ordered that all proceedings in this case be unsealed. Until that Order, all proceedings in this case had been conducted with no notice to Mr. Benedek or the Brazilian courts.

Mr. Benedek first learned of the existence of this case on the evening of Friday, March 12, when he received an email from Scott Nielson, pro hac vice counsel for the Applicants and a US attorney in the São Paulo office of Kobre & Kim. The March 12 email enclosed subpoenas that had been "served on this date to certain financial institutions." Mr. Nielson wrote again on the evening of Monday, March 15, with subpoenas "updated to reflect the requested production deadline." (We do not know why Kobre & Kim waited 23 days from entry of the order to serve its subpoenas and to provide notification to the Brazilian defendants.)

As we evaluate our client's position and gain familiarity with the underlying Brazilian litigation, we have a small request of the Court. The Clerk has not fully implemented the unsealing the Court directed on February 17. The papers filed in 2021, or at least most of them, are available on ECF, but no records are publicly available from the first application in 2020. [We therefore ask that the Clerk be directed to unseal all papers in this case, including any orders made in Part I (or otherwise) and all submissions by Applicants. ]

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We thank the Court for its consideration.

Respectfully submitted,



Michael O. Ware

cc by email:

E. Martin de Luca, Esq.  
Scott C. Nielson, Esq.  
(Kobre & Kim São Paulo)