

The application is hereby
GRANTED.

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE EX PARTE APPLICATION OF
BITSTAMP LTD.

Pursuant to 28 U.S.C. § 1782,
For an Order to Obtain Discovery
In Aid of a Foreign Proceeding

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So ordered,
/s/

Alvin K. Hellerstein
1/6/21

Case No: 20-mc-376 (AKH)_____

**APPLICATION FOR AN ORDER PURSUANT TO 28 U.S.C. § 1782
TO OBTAIN DISCOVERY FOR USE IN FOREIGN PROCEEDING**

Bitstamp Ltd. (“Applicant”), by and through its undersigned counsel, respectfully applies to this Court for an order pursuant to 28 U.S.C. § 1782 authorizing Applicant to issue subpoenas duces tecum to: (1) The Bank of America Corporation (“Bank of America”), which resides and conducts business within the Southern District of New York, at its business address at Bank of America Tower, One Bryant Park, New York, NY 10036, United States; and (2) Citibank, N.A. (“Citibank”) which resides and conducts business within the Southern District of New York, at its business address at 388 Greenwich Street, New York, NY 10013, to produce documents for use in a proceeding taking place in Denmark. The proposed form of subpoenas duces tecum are attached to the Declaration of Christopher LaVigne, executed on November 12, 2020 (the “LaVigne Declaration”).

This Application meets all of the statutory and discretionary factors considered under 28 USC § 1782. Applicant seeks discovery for the purpose of using it in aid of Applicant’s lawsuit against CNG Processing ApS (“CNG”), a Danish company, brought in The Danish Maritime and Commercial High Court (the “Danish Court”), Case No. BS-16981/2019-SHR (the “Danish Proceeding”). In the Danish Proceeding, Applicant has alleged that CNG is withholding money that rightfully belongs to Applicant in certain United States bank accounts, including the Bank of America and Citibank accounts that are the subject of the proposed subpoenas attached as

exhibits to the LaVigne Declaration. CNG has alleged that the money being held in those accounts cannot be removed from those accounts because Bank of America and Citibank have frozen and prohibited withdrawals from those accounts. Accordingly, the status and disposition of the disputed accounts is a vital issue in the Danish Proceeding.

CNG has failed to produce any documents in the Danish Proceeding that support its allegation that the relevant accounts are indeed frozen. Accordingly, Applicant makes this application pursuant 28 USC § 1782 to serve subpoenas on Bank of America and Citibank, which are not parties to the Danish Proceeding, to obtain information regarding the status and disposition of the disputed accounts. Applicant is not using this proceeding as an attempt to circumvent the requirements of the Danish Court, the Danish courts are receptive to this form of discovery, and the discovery sought is not unduly burdensome or intrusive.


In further support of this Application, and in addition to the LaVigne Declaration, and the exhibits annexed thereto, Applicant submits the accompanying memorandum of law, the declaration of Kristian Storgaard, executed on November 11, 2020, and the exhibits annexed thereto.

WHEREFORE, the Applicant respectfully requests that this Court enter an Order:

1. Granting Applicant's application to issue subpoenas duces tecum, substantially in the form submitted with this Application, for discovery from Bank of America and Citibank pursuant to 28 U.S.C. § 1782;
2. Appointing the undersigned to issue and sign the subpoena, substantially in the form submitted with this Application, and serve the subpoena in accordance with the Federal Rules of Civil Procedure.

Dated: New York, New York
November 12, 2020

WITHERS BERGMAN LLP

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