

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE APPLICATION OF ALBERTO SAFRA
FOR AN ORDER TO TAKE DISCOVERY FOR
USE IN FOREIGN PROCEEDINGS PURSUANT
TO 28 U.S.C. § 1782

No. 21-MC-00640-GHW

**STIPULATION AND
ORDER**

WHEREAS, on August 5, 2021, petitioner Alberto Safra (the “Petitioner”) filed an application for an order to take discovery for use in foreign proceedings pursuant to 28 U.S.C. § 1782 (the “Application”);

WHEREAS, the Application seeks permission to serve subpoenas *duces tecum* and *ad testificandum* on Memorial Sloan Kettering Cancer Center, Dr. Eli L. Diamond and Dr. Viviane Tabar (collectively, the “MSKCC Respondents”) as well as Mount Sinai Health System, Dr. Susan Bressman and Dr. Valentine Fuster (collectively, the “Mount Sinai Respondents” and together with the MSKCC Respondents, the “Respondents”);

WHEREAS, by order dated August 6, 2021, the Court (i) directed Petitioner to serve the Application on Respondents on or before August 13, 2021, (ii) directed that any opposition to the Application must be served no later than August 27, 2021, (iii) directed Petitioner to file his reply, if any, on or before September 3, 2021, and (iv) set a hearing on the Application on September 13, 2021 at 4 p.m. (ECF No. 8);

WHEREAS, on August 24, 2021, Petitioner and Respondents jointly requested that the Court extend these deadlines (ECF No. 11);

WHEREAS, on August 24, 2021, the Court granted this request, ordering that (i) Respondents respond to the Application on or before September 24, 2021, (ii) Petitioner file his reply, if any, on or before October 8, 2021, and (iii) the hearing be adjourned to October 19,

2021 (ECF No. 12);

WHEREAS, on August 31, 2021, Ms. Safra, as the executor and administrator of the Estate of Joseph Yacoub Safra, moved to intervene in this action (ECF No. 18);

WHEREAS, on September 3, 2021, Petitioner consented to Ms. Safra's intervention in this action (ECF No. 22);

WHEREAS, the Court granted Ms. Safra's motion to intervene on September 6, 2021 (ECF No. 23);

WHEREAS, on September 24, 2021, Ms. Safra requested the Court extend the deadlines entered by the Court on August 24, 2021 (ECF No. 29);

WHEREAS, on September 24, 2021, the Court granted this request, ordering that (i) Respondents and Ms. Safra respond to the Application on or before October 25, 2021; (ii) Petitioner file his reply, if any, on or before November 8, 2021; and (iii) the hearing be adjourned to December 21, 2021 (ECF No. 30);

WHEREAS, on October 21, 2021, Ms. Safra and Petitioner requested the Court extend the deadlines entered by the Court on September 24, 2021 (ECF No. 32);

WHEREAS, on October 21, 2021, the Court granted this request, ordering that (i) Respondents and Ms. Safra respond to the Application on or before November 24, 2021; (ii) Petitioner file his reply, if any, on or before December 8, 2021; and (iii) the hearing on the Application remain scheduled for December 21, 2021 (ECF No. 33);

WHEREAS, on November 22, 2021, Ms. Safra and Petitioner requested the Court extend the deadlines entered by the Court on October 21, 2021 (ECF No. 35);

WHEREAS, on November 22, 2021, the Court granted this request, ordering that (i) Respondents and Ms. Safra respond to the Application on or before January 10, 2022;

(ii) Petitioner file his reply, if any, on or before January 24, 2022; and (iii) the hearing be adjourned to a date to be set by the Court (ECF No. 36). The Court has not yet set a new hearing date.

WHEREAS, the parties to this stipulation wish, subject to the Court's approval, to extend the briefing schedule on the Application as set forth below.

IT IS HEREBY STIPULATED by and between the parties that (i) Respondents and Ms. Safra shall respond to the Application on or before February 9, 2022; and (ii) Petitioner will file his reply, if any, on or before February 23, 2022.

IT IS FURTHER STIPULATED AND AGREED that this stipulation may be executed in counterparts and that a facsimile or electronic signature shall have the same binding effect on all parties hereto as an original signature.

Dated: January 7, 2022

SULLIVAN & CROMWELL LLP

/s/ Steven L. Holley

Steven L. Holley
125 Broad Street
New York, New York 10004-2498
Tel: (212) 558-4000

Attorney for Vicky Safra

BARNES & THORNBURG LLP

/s/ Joseph A. Matteo

Joseph A. Matteo
445 Park Avenue, Suite 700
New York, New York 10022
Tel: (646) 746-2000

Attorney for Respondents Memorial Sloan Kettering Cancer Center, Dr. Eli L. Diamond and Dr. Viviane Tabar

QUINN EMANUEL URQUHART & SULLIVAN, LLP

/s/ Michael Carlinsky

Michael Carlinsky
51 Madison Avenue, Floor 22
New York, New York 10010

THE OFFICE OF THE GENERAL COUNSEL
MOUNT SINAI HEALTH SYSTEM

/s/ Erica D. Liu

Erica D. Liu
150 E. 42nd Street, Suite B-2.17
New York, New York 10017

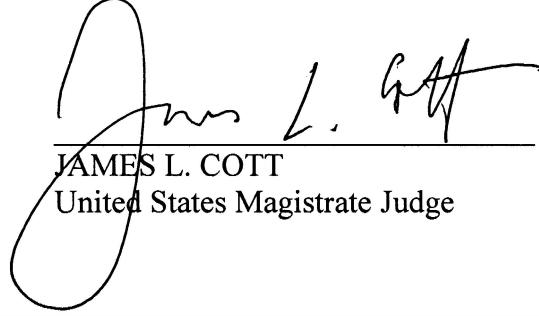
Tel: (212) 849-7000

Attorney for Petitioner Alberto Safra

Tel: (212) 659-8105

Attorney for Respondents Mount Sinai Health System, Dr. Susan Bressman and Dr. Valentine Fuster

SO ORDERED: 1/7/2022



JAMES L. COTT

United States Magistrate Judge