

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN THE MATTER OF THE *EX PARTE*  
APPLICATION OF THE UPPER BROOK  
COMPANIES FOR AN ORDER  
DIRECTING DISCOVERY IN AID OF A  
FOREIGN PROCEEDING PURSUANT TO  
28 U.S.C. §1782

Misc. Case No. 22-mc-97(PKC)

ORDER GRANTING THE UPPER BROOK COMPANIES  
*EX PARTE* APPLICATION UNDER 28 U.S.C. §1782  
AND DIRECTING DISCOVERY  
IN AID OF FOREIGN PROCEEDINGS

Upon consideration of the application directing discovery in aid of a foreign proceeding pursuant to 28 U.S.C. §1782 (the “Application”) submitted by the Upper Brook Companies (the “Applicants”) and all papers submitted in support thereof, this Court finds that (1) the statutory requirements of 28 U.S.C. §1782 are satisfied, and (2) the factors identified by the United States Supreme Court in *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241 (2004), weigh in favor of granting the Upper Brook Companies’ Application.

It is therefore

ORDERED that the Application seeking an order directing discovery is GRANTED, and that the Applicants are hereby authorized to serve this Order, all papers submitted herewith, and the subpoena exhibited as Exhibit 1 to the Declaration of Michael C. Miller (the “Subpoena”) upon J.P. Morgan Chase, N.A.; and it is further

ORDERED that the documents responsive to the Subpoena shall not be produced to the Applicants by J.P. Morgan Chase, N.A in fewer than 21 days from the date of this Order; and it is further

ORDERED that within five days of this Order Applicants shall serve a copy of this Order and all submissions in support of Applicants Application counsel for Palladyne International Asset Management in the Netherlands Proceeding as that term is used in the Application; and it is further

ORDERED that within five days of this Order Applicants shall file redacted versions of its submissions in support of the Application redacting all bank account numbers and any other unique identifiers for any banking account together with a proposed Order unsealing the docket and all submissions on the docket except for such portions as contain bank account numbers and any other unique identifiers for any banking account; and it is further

ORDERED that J.P. Morgan Chase, N.A. comply with the Subpoena in accordance with, and subject to its rights under, the Federal Rules of Civil Procedure and the Rules of this Court; and it is further

ORDERED that this Court will retain jurisdiction over this matter for further proceedings as may be necessary to effect and enforce this Order.

SO ORDERED.

April 11, 2022  
New York, NY

  
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P. Kevin Castel  
United States District Judge