UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

IN RE:

EX PARTE APPLICATION OF DNG FZE FOR AN ORDER TO OBTAIN DISCOVERY FOR USE IN FOREIGN PROEEDINGS PURSUANT TO 28 U.S.C. § 1782 23 mc 435 (PAE)

<u>ORDER</u>

PAUL A. ENGELMAYER, District Judge:

On November 10, 2023, petitioner DNG FZE ("DNG") filed this action under 28 U.S.C. § 1782, seeking an order directing a PayPal Inc. ("PayPal") senior manager, Michael Mulanaphy, to appear for a deposition on matters relevant to a proceeding pending in the High Court of Singapore. Dkt. 1 (*ex parte* application). The docket reflects that on November 20, 2023, DNG served Mulanaphy with its *ex parte* application. Dkt. 7. The docket does not reflect service upon PayPal.

Although the Court's initial assessment is that DNG's application is consonant with the statutory requirements and the "*Intel* factors" guiding the exercise of discretion in evaluating § 1782 applications, DNG's application does not supply a reason for the application to be resolved *ex parte*.

The Court accordingly orders that DNG serve a copy of this order on PayPal and on Mulanaphy by the close of the business, Wednesday, November 29, 2023, and simultaneously serve PayPal with a copy of its *ex parte* application. Any opposition to the § 1782 application is due Monday, December 11, 2023; the Court will treat a failure to timely file an opposition as signifying non-opposition. Any reply by DNG is due Friday, December 15, 2023. The Court will thereafter promptly act on the application.

SO ORDERED.

Paul A. Englin

PAUL A. ENGELMAYER United States District Judge

Dated: November 27, 2023 New York, New York

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