

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3/18/2024

-----X
:
:
In re Ex Parte Application of Ativos Especiais II - Fundo :
de Investimento em Direitos Creditórios - NP and Ativos :
Especiais III - Fundo de Investimento em Direitos :
Creditórios - NP, :
:
Applicants. :
:
-----X

24-mc-119 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

This matter comes before the Court on the Ex Parte Application of Ativos Especiais II - Fundo de Investimento em Direitos Creditórios - NP (“Ativos Especiais II”) and Ativos Especiais III - Fundo de Investimento em Direitos Creditórios - NP (“Ativos Especiais III,” and together, “Applicants”) for an Order Pursuant to 28 U.S.C. § 1782 Granting Leave to Obtain Discovery for Use in Foreign Proceedings (the “Application”).

Having fully considered the Application, and good cause appearing, the Application is GRANTED. Applicants may serve a subpoena substantially in the form attached as Exhibit A to the Application on The Clearing House Payments Company LLC (the “Clearing House”). A copy of this Order and the Application shall be served on the Clearing House together with the subpoena. Applicants may serve a subpoena substantially in the form attached as Exhibit A to the Application on Morgan Stanley & Co. LLC (“Morgan Stanley”). A copy of this Order and the Application shall be served on Morgan Stanley together with the subpoena. Upon confirmation from the Clearing House and Morgan Stanley that they have preserved the documents responsive to the subpoena, Applicants shall promptly cause their Brazilian attorneys to serve the Application and this Order on the other parties to the Brazilian proceedings that are the subject of the Application in any expeditious manner permitted by Brazilian law.

The grant of the Application is without prejudice to a challenge to the subpoenas, including their scope, and potential reconsideration of the application of the § 1782 factors. *See Gushlak v. Gushlak*, 486 F. App’x 215, 217 (2d Cir. 2012) (summary order).

SO ORDERED.

Dated: March 18, 2024
New York, New York



LEWIS J. LIMAN
United States District Judge