

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

IN RE: Request from the Netherlands)
Pursuant to the Treaty Between the) C/A 9:08-mc-92-MBS
United States of America and the)
Kingdom of Netherlands on Mutual)
Assistance in Criminal Matters in)
the Matter of RAPHAEL FEMI MAXWELL)
TIMOTHY FERENTH ABEJI)

ORDER

Upon application of the United States, and upon review of the request from the Netherlands seeking evidence under the Treaty between the United States of America and the Kingdom of the Netherlands on Mutual Assistance in Criminal Matters (35 UST 1361, 1359 UNTS 209) [entered into force September 15, 1983], and the Court having fully considered this matter,

IT IS HEREBY ORDERED, pursuant to the authority conferred by the Treaty, as well as 28 U.S.C. § 1782 and this Court's inherent authority, that Lee E. Berlinsky is appointed as Commissioner of this Court and hereby directed to execute the Treaty request. In doing so, the Commissioner is not required to follow the Federal Rules of Civil Procedure and the following rules shall govern:

1. the Commissioner may issue commissioner's subpoenas to be served at any place within the United States on persons (natural and artificial) ordering them or their representatives to appear and to testify and produce evidence located within the United States;

2. the Commissioner shall provide notice with respect to the collection of evidence to those persons identified in the request

as parties to whom notice should be given (and no notice to any other party shall be required);

3. the Commissioner shall adopt procedures to collect the evidence requested consistent with its use in the investigation or proceeding for which the Netherlands has requested assistance, which procedures may be specified in the request or provided by or with the approval of the Competent Authority for the Netherlands under the Treaty;

4. the Commissioner, in collecting the evidence requested, may be accompanied by persons whose presence or participation is authorized by the Commissioner, including, without limitation, special agents of the Federal Bureau of Investigations and/or representatives of the Netherlands who, as authorized or directed by the Commissioner, may direct questions to any witness;

5. any person from whom the Commissioner seeks to collect evidence may, for good cause shown, oppose the giving of evidence, or the circumstances thereof, by motion timely filed with this Court, a copy of which shall be provided contemporaneously to the Commissioner;

6. the Commissioner may seek such further orders of this Court as may be necessary to execute this request, including orders to show cause why persons served with commissioner's subpoenas who fail to produce evidence should not be held in contempt; and

7. the Commissioner shall certify and submit the evidence collected to the Office of International Affairs, Criminal Division, U.S. Department of Justice, or as otherwise directed by

that office for transmission to the Netherlands.

IT IS SO ORDERED.

/s/ Margaret B. Seymour

UNITED STATES DISTRICT JUDGE

Columbia, South Carolina

November 13, 2008