

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**STARK MASTER FUND Ltd. and
STARK GLOBAL OPPORTUNITIES
MASTER FUND, Ltd.,**

Plaintiffs,

-vs-

Case No. 14-C-689

**CREDIT SUISSE SECURITIES (USA) LLC,
DEUTSCHE BANK SECURITIES USA, Inc.,
APOLLO GLOBAL MANAGEMENT LLC, and
APOLLO MANAGEMENT HOLDINGS, L.P.**

Defendants.

DECISION AND ORDER

The plaintiffs, Stark Master Fund Ltd. and Stark Global Opportunities Master Fund Ltd., collectively referred to as “Stark,” allege that the defendants, Credit Suisse Securities, Deutsche Bank Securities, Apollo Global Management and Apollo Management Holdings, misrepresented the nature of the financing for a proposed merger between Huntsman Corporation and Momentive Specialty Chemicals, Inc. f/k/a Hexion Specialty Chemicals, Inc.. On April 9, 2015, the Court granted Stark’s motion for leave to conduct jurisdictional discovery. Stark now moves to compel discovery responses from Credit Suisse.

Credit Suisse argues that the disputed requests seek irrelevant information. For example, Stark seeks information concerning the

Hexion/Huntsman merger and the financing by Credit Suisse and Deutsche Bank. Credit Suisse objected that Stark's request "was not relevant to any theory of jurisdiction covered by the Court's order." This objection contravenes the Court's order granting leave to conduct jurisdictional discovery in the first instance. By objecting in this manner, Credit Suisse invited further litigation on a settled issue in this case. The defendants must accept the Court's ruling and proceed accordingly.

Credit Suisse also argues that Stark failed to meet and confer before moving to compel. Fed. R. Civ. P. 37(a). To the contrary, Stark sent a detailed letter explaining the deficiencies in Credit Suisse's discovery responses. After conferring by telephone, Credit Suisse supplemented its responses, but continued to object to providing any information about its solicitations and sales to Wisconsin investors except for the MatlinPatterson sale. At that point, it wasn't necessary for Stark to bang its head against the wall any longer. Credit Suisse made its position known, and Stark's only avenue for relief was to file a motion to compel.

Stark's motion to compel [ECF No. 83] is **GRANTED**.

Dated at Milwaukee, Wisconsin, this 17th day of November, 2015.

SO ORDERED:


HON. RUDOLPH T. RANDA
U.S. District Judge