

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Case No. 17-cv-09977-RWS

In re Application of SHANGHAI XIAOSHENG
INDUSTRIAL INVESTMENT CO., LTD., for an
Order Pursuant to 28 U.S.C. § 1782 to Conduct
Discovery for Use in Foreign Proceedings,

~~[PROPOSED]~~ ORDER

Petitioner.

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WHEREAS, on December 21, 2017, Shanghai Xiaosheng Industrial Investment Co., Ltd. (the "Petitioner") submitted an Application, by Order to Show Cause, for an Order pursuant to 28 U.S.C. § 1782 to conduct discovery from J.P. Morgan Chase Bank, N.A. for use in a foreign proceeding (the "Application");

WHEREAS, on December 22, 2017, the Court entered an Order to Show Cause Why Petitioner Should Not be Granted Leave to Conduct Discovery Pursuant to 28 U.S.C. § 1782 (the "OSC") and directed Petitioner to serve the Application and OSC on Respondent J.P. Morgan Chase Bank, N.A. ("Respondent") by hand delivery at 270 Park Avenue, New York, New York 10017 no later than December 22, 2017;

WHEREAS, Petitioner complied with the OSC and served the Application and OSC by hand delivery on Respondent at 270 Park Avenue, New York, New York and 4 MetroTech Center, Brooklyn, New York on December 22, 2017;

WHEREAS, the OSC directed Respondent to serve papers in opposition to the Application (including any objections to the proposed discovery), if any, by hand upon Petitioner's counsel on or before January 2, 2018;

WHEREAS, the Respondent did not oppose the Application;

WHEREAS, pursuant to the OSC, on January 3, 2018, Petitioner's counsel appeared for a hearing on the Application, but Respondent failed to appear; and

WHEREAS, upon consideration of the Petition; the Memorandum of Law; the Declaration of Shen Jinrong dated December 21, 2017, with the exhibit annexed thereto; the Declaration of Peng Qiao dated December 20, 2017; the Declaration of Kathryn T. Lundy dated December 20, 2017, with the exhibit annexed thereto, and all other exhibits and papers filed in support thereof; and it appearing that proper and adequate service of the Application was provided to Respondent; and it appearing Respondent has not opposed the Application; and after due deliberation it is hereby:

ORDERED that the Application is granted, in its entirety; and it is further

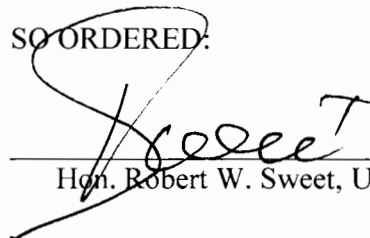
ORDERED that Petitioner may serve the proposed Subpoena annexed to Kathryn T. Lundy's Declaration dated December 20, 2017 (the "Subpoena") on Respondent; and it is further

ORDERED that this Court shall retain jurisdiction to ensure Respondent's compliance with the Subpoena and to resolve any other discovery disputes that may arise therefrom; and it is further

ORDERED that Petitioner shall serve a copy of this Order, by regular mail, on Respondent within twenty (20) days of entry.

Dated: 1-3-18

SO ORDERED:



Hon. Robert W. Sweet, U.S.D.J.