

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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: IN RE PETITION OF ESTHER KIOBEL, :
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 : Petitioner, :
: :

For an Order Granting Leave to Issue Subpoenas to :
Cravath, Swaine & Moore LLP for Production of :
Documents Pursuant to 28 U.S.C. § 1782 :
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ORDER GRANTING STAY
PENDING APPEAL

16 Civ. 7992 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

On January 24, 2017, I granted Kiobel’s Section 1782 petition and ordered Cravath to produce documents in response to Kiobel’s subpoena by February 27, 2017. On February 13, 2017, Cravath appealed that ruling and moved to stay the January 24 order pending resolution of that appeal. On February 14, 2017, I stayed Cravath’s obligation to produce documents pending resolution of Cravath’s motion to stay. *See* Dkt. Nos. 21–23, 26.

Without endorsing any of the arguments Cravath has set forth in support of its motion to stay, many of which are specious, I nevertheless find that a stay is appropriate. If Cravath produces the documents at issue, and the Court of Appeals subsequently holds that I committed legal error or abused my discretion in granting Kiobel’s petition, Kiobel’s use of the documents during the interim cannot be undone. Thus, absent a stay, Cravath will be denied a meaningful opportunity to appeal my January 24 order.


That said, Kiobel’s concern that further delay may prejudice her ability to bring an action in the Netherlands is plausible and must be addressed. Cravath must therefore pursue its appeal expeditiously. The parties, with the assistance of Second Circuit Staff Counsel, should

agree to an expedited briefing schedule and request that the Court of Appeals consider the appeal on an expedited basis.

Cravath's motion to stay my January 24 order pending appeal is granted. The Clerk shall terminate the motion (Dkt. No. 23).

SO ORDERED.

Dated: March 2, 2017
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge