

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CRYSTALLEX INTERNATIONAL  
CORPORATION,

Plaintiff,

v.

BOLIVARIAN REPUBLIC OF VENEZUELA,

Defendant.  
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No. 17-mc-00205-P1

**[PROPOSED] ORDER**

Upon review and consideration of Plaintiff-Judgment Creditor Crystallex International Corporation's ("Crystallex") *Ex Parte* Application for a Writ of Execution Pursuant to 28 U.S.C. § 1610(c) and its accompanying materials, against property of the Defendant-Judgment Debtor the Bolivarian Republic of Venezuela ("Venezuela") held in this District by Bank of New York Mellon (the "Property"); it appearing that (1) a reasonable period of time has elapsed since entry of judgment, (2) Crystallex seeks execution of judgment against Property that is (a) the property of Venezuela, (b) located in this District, and (c) being used for commercial activity in the United States, and (3) Crystallex has demonstrated each of the requirements under 28 U.S.C. § 1610(c); and in accordance with 28 U.S.C. § 1610(c), Rule 69 of the Federal Rules of Civil Procedure, CPLR 5230 & 5232, and Local Rule 6.1, it is hereby:

ORDERED that, in order to allow Plaintiff to effectuate service without prior notice, as is the ordinary course in the service of writs of execution pursuant to CPLR 5230 and 5232, this Order and Plaintiff's *ex parte* application and accompanying materials shall remain under seal

until fourteen days after the date of this Order or until the U.S. Marshals Service serves Bank of New York Mellon with the writ of execution that shall be issued pursuant to this Order, whichever is earlier; and it is further

ORDERED that Plaintiff's *ex parte* application is GRANTED; and it is further

ORDERED that, in accordance with Fed. R. Civ. P. 69, 28 U.S.C. § 1610(c), and CPLR 5230 and 5232, Crystallex is authorized to proceed by writ of execution against the Property at Bank of New York Mellon, the Clerk of the Court is authorized to issue such a writ of execution, and Crystallex's counsel is authorized to deliver that writ to the U.S. Marshals Service for the

Southern District of New York, for service on Bank of New York Mellon immediately pursuant to CPLR 5232.

SO ORDERED this 25<sup>th</sup> day of July, 2017.

IT IS FURTHER ORDERED that Plaintiff must file on ECF this Order and Plaintiff's *ex parte* application and accompanying materials 14 days after the date of this Order or promptly after the U.S. Marshals Service serves Bank of New York Mellon with the writ of execution, whichever is earlier.

  
United States District Judge