

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
:
  
IN THE MATTER OF THE APPLICATION :
  
OF NEW PAX MARITIME LTD. FOR AN : No. 22-MC-197
  
ORDER TO TAKE DISCOVERY PURSUANT :
  
TO 28 U.S.C. § 1782 :
  
:
  
-----X

**ORDER GRANTING NEW PAX MARITIME LTD.’S APPLICATION FOR AN ORDER TO TAKE DISCOVERY PURSUANT TO 28 U.S.C. § 1782**

This matter comes before the Court on the Application of New Pax Maritime Ltd. (“New Pax”) to take discovery, pursuant to 28 U.S.C. § 1782, for use in reasonably contemplated proceedings to enforce an arbitration award before foreign tribunals and against Erna Denizcilik Ve Tic. Ltd. Sti. (also known as “Erna Shipping & Trading Ltd. Co.”). The Court has considered New Pax’s Application and exhibits thereto, together with its accompanying Memorandum of Law, and good cause having been shown;

**IT IS HEREBY ORDERED THAT:**

- (A) New Pax’s Application is granted;
- (B) Respondent JP Morgan Chase Bank, N.A. (“Respondent”) shall make available to New Pax all documents responsive to the categories of documents described in Appendix “1” to this Order within twenty (20) days of service of this Order on Respondent or at such other time as may be agreed;
- (C) Joseph T. Johnson, Edward W. Floyd and Luke F. Zadkovich, and any other attorneys affiliated with the law firm of Zeiler Floyd Zadkovich (US) LLP and admitted to practice before the United States District Court for the Southern District of New York, are appointed as examiners to: (i) obtain the requested document and

information pursuant to Appendix “1” to this Order; and (ii) to issue a subpoena to Respondent to obtain documents (in addition to the documents described by Appendix “1” to this Order) pursuant to the Federal Rules of Civil Procedure; AND  
(D) New Pax is ordered to serve a copy of this Order on Respondent.

The Clerk of Court is hereby directed to close the Motion at Docket No. 4.

**IT IS SO ORDERED.**

Dated: August 22, 2022

  
\_\_\_\_\_  
J. PAUL OETKEN  
United States District Judge

# **APPENDIX 1**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
	:	
IN THE MATTER OF THE APPLICATION	:	
OF NEW PAX MARITIME LTD. FOR AN	:	No. 22-MC -127
ORDER TO TAKE DISCOVERY PURSUANT	:	
TO 28 U.S.C. § 1782	:	
	:	
-----X	:	

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION OR OBJECTS**

To: JP Morgan Chase Bank, N.A.

**YOU ARE COMMANDED** pursuant to the court order of July XX, 2022 (“Order”) attached hereto as Appendix 1, to produce within twenty (20) days of the service of the Order, at the office of Zeiler Floyd Zadkovich (US) LLP, 215 Park Avenue South, 11<sup>th</sup> Floor, New York, New York 10003, via electronic means further detailed below (**see page 7 attorney email addresses**), the following documents, electronically stored information, or objects, and to permit inspection and sampling of the material:

**DEFINITIONS AND INSTRUCTIONS**

A. Each of the Uniform Definitions in Discovery Requests which are set forth in Local Civil Rule 26.3 for the United States District Court for the Southern District of New York is, and shall be deemed to be, fully incorporated herein.

B. “Erna” refers to a non-party herein Erna Denizcilik Ve Tic. Ltd. Sti. (also known as “Erna Shipping & Trading Ltd. Co.”) (hereinafter “Erna”)<sup>1</sup> with a last known principal address of Inkilap Mahallesi, Küçüksu Caddesi, Sokullu Sokak, Istanbul, Turkey.

C. “New Pax” refers to the Applicant New Pax Maritime Ltd.

D. “You” and “Your” refer to Respondent JP Morgan Chase Bank, N.A.

### **INSTRUCTIONS**

A. The Requests are directed to every document in Your possession or subject to Your custody and control.

B. These Requests are to be deemed a continuing request, and documents that are responsive but are discovered subsequent to an initial production should be promptly produced in the same manner, and at the same address, as the initial production.

C. All documents produced pursuant to these Requests shall be produced as they are kept in the usual course of business, shall be identified by the title of the file in which they are located, and shall be identified as to the request in response to which they are being produced.

D. Each Request for a document or documents to be produced requires the production of the document in its entirety, without redaction or expurgation.

E. If there are no documents responsive to a category in these Requests, state so in writing.

F. If any document called for by these Requests is withheld under a claim of privilege, such claim should be made expressly and must state: (a) the author of the document; (b) the date of the document; (c) the subject matter of the document; (d) each person whom an original copy

---

<sup>1</sup> “Erna Shipping & Trading Ltd. Co.” is the English translation, under which Erna appears to also do business.

of the document was sent; (e) every other person who received the document or a copy of the document; and (f) the basis for the claim of privilege.

G. Where an objection is made to any Request or sub-part thereof, the objection shall state with specificity as to all grounds.

H. Each Request covers the period from September 01, 2021 through Present, unless otherwise specified. If a document prepared before this period is necessary for a correct or complete understanding of any document covered by a Request, You must produce the earlier document as well. If any document is undated and the date of its preparation cannot be determined, the document shall be produced if otherwise responsive to the production Request.

### **DOCUMENT REQUESTS**

1. All documents, including but not limited to any form of bank record, communications, messages, requests, reports or confirmations, concerning amounts of money owned by, transferred to, transferred from, transferred pursuant to instructions from, or transferred for the benefit of Erna (or any entities whose name(s) include the phrase “Erna”, “Erna Shipping”, “Erna Shipping & Trading Ltd. Co.”, or “Erna Denizcilik Ve Tic. Ltd. Sti.”).

2. All documents, including but not limited to any form of bank record, communications, messages, requests, reports or confirmations, concerning amounts of money owned by, transferred to, transferred from, transferred pursuant to instructions from, or transferred for the benefit of any person(s) which also reference payments being made (such as freight payments or hire payments) in connection with a vessel known as the M/V PAX.

3. All documents concerning wire transfers, SWIFT messages, book transfers or other forms of transferring funds which contain reference to:

a. any natural or legal persons or associations whose names include the phrases:

- i. “Erna”,
- ii. “Pax”,
- b. Erna’s IBAN “XXXXXXXXXXXXXXXXXXXXXXXXXXXX”.

<b>Place:</b> via electronic mail to: <a href="mailto:Joe.johnson@zeilerfloydzad.com">Joe.johnson@zeilerfloydzad.com</a> ; <a href="mailto:Ed.floyd@zeilerfloydzad.com">Ed.floyd@zeilerfloydzad.com</a> ; and <a href="mailto:Luke.zadkovich@zeilerfloydzad.com">Luke.zadkovich@zeilerfloydzad.com</a>	<b>Date:</b> within twenty (20) days of service of the attached Order
---	---