UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

<i>In re</i> : Application Pursuant to 28 U.S.C. § 1782 of IKB DEUTSCHE INDUSTRIEBANK AG,) Case No
Petitioner,)
- to take discovery of -)
Putnam Advisory Company, LLC,)
)
Respondent.)

APPLICATION FOR ORDER TO TAKE DISCOVERY PURSUANT TO 28 U.S.C. § 1782

IKB Deutsche Industriebank AG ("IKB") respectfully moves for an order pursuant to 28 U.S.C. § 1782 to allow it to issue subpoenas pursuant to Federal Rules of Civil Procedure 30 and 45 directing Putnam Advisory Company, LLC ("Putnam") to provide testimony and to produce documents for use in an action brought against IKB by Calyon Crédit Agricole CIB ("Calyon") and pending in the High Court of Justice in London, England.

IKB's application meets all of the statutory and discretionary requirements necessary to obtain discovery under Section 1782. Putnam is located in this district, and IKB seeks the discovery for use in defending a proceeding that is pending against it in London's High Court of Justice. In addition, Putnam is not a party to the litigation in London, IKB is not attempting to circumvent the requirements of the High Court, the English courts are receptive to this form of discovery, and the discovery sought is not unduly burdensome or intrusive. In further support of

this application, IKB relies on its memorandum of law and the Declaration of Conrad Walker with accompanying exhibits, submitted herewith. A proposed Order is attached hereto.

WHEREFORE, IKB respectfully prays that this Court enter an order:

- 1. Granting IKB's application for discovery from Respondent pursuant to 28 U.S.C. § 1782;
- 2. Authorizing IKB to take discovery from Putnam relating to the issues identified in its application, including (a) issuing the subpoenas for the deposition of Respondent and the production of documents in the form attached to the proposed order as Tab A; and (b) issuing additional subpoenas for the production of documents and/or additional depositions of Respondent as IKB may reasonably deem appropriate and as are consistent with the Federal Rules of Civil Procedure;
- 3. Directing Respondent to comply with such subpoenas in accordance with the Federal Rules of Civil Procedure and the Rules of this Court;
- 4. Appointing the undersigned to issue, sign and serve such subpoenas upon Respondent, and ordering that testimony in this matter may be taken before any certified court reporter authorized to take testimony and administer oaths and that such court reporters are hereby authorized to take testimony in this matter.
- 5. Ordering IKB to deliver copies of this order and any subpoenas issued pursuant to this order to the civil proceedings pending in London, England.

Respectfully submitted,

IKB Deutsche Industriebank AG By one of its attorneys,

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Dated: January 25, 2010

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