

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROYAL PARK INVESTMENTS SA/NV,
Individually and on Behalf of All Others
Similarly Situated,

Plaintiff,

-against-

DEUTSCHE BANK NATIONAL TRUST
COMPANY, as Trustee,

Defendant.

14-CV-04394 (AJN) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

The application by plaintiff Royal Park Investments, SA/NA (RPI) for an order directing defendant Deutsche Bank National Trust Company (Deutsche Bank) to (a) “produce invoices for any and all fees and costs billed to the Covered Trusts related to this litigation,” and (b) “reimburse, with interest, the Covered Trusts for costs that this Court ordered Deutsche Bank to bear in relation to the deposition of former RPI CEO Danny Frans in Brussels” (Dkt. No. 340) is DENIED for the reasons discussed during today’s telephonic discovery conference.

To the extent that the second portion of RPI’s application seeks to enforce this Court’s August 12, 2016 Order (Dkt. No. 253), which required Deutsche Bank to “cover the reasonable travel and lodging costs of two RPI lawyers” to travel to the resumed deposition of Danny Frans (*id.* ¶ 4), it is denied because nothing in the August 12 Order prohibited Deutsche Bank from seeking reimbursement from other sources (including the Covered Trusts) for the RPI costs it was required to cover. The purpose of the cost-sharing provision of the August 12 Order was to defray a portion of RPI’s costs in connection with the second Frans deposition, *see* Fed. R. Civ. P. 26(c)(1)(B), not to sanction Deutsche Bank.

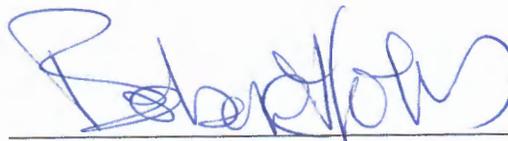
To the extent that RPI seeks a broader order, in the nature of a preliminary injunction, to prevent Deutsche Bank from seeking or accepting reimbursement from the Covered Trusts for its litigation costs in this action (or require Deutsche Bank to repay sums already advanced), the application is beyond the scope of the reference to the assigned Magistrate Judge (Dkt. No. 94) and must be made, if at all, to the District Judge in accordance with her Individual Rules of Practice. *See* 28 U.S.C § 636(b)(1).

To the extent that RPI seeks to compel the production of Deutsche Bank's litigation-related invoices pursuant to Fed. R. Civ. P. 37(a)(3)(B)(iv), based on its assertion that they are responsive to document requests including RFPs 31 and 42, served on April 24, 2015, the application is denied because RPI has not shown that the documents sought are relevant to either of its substantive claims against Deutsche Bank, or to any of Deutsche Bank's defenses. Therefore, the proposed discovery is not within the scope of Fed. R. Civ. P. 26(b)(1). Additionally, the Court notes that the application is untimely, given that the "substantial completion" date for party document discovery (a deadline requested by RPI) passed on March 3, 2017. (Dkt. No. 322.)

The Clerk of the Court is respectfully directed to close the application at Docket No. 340.

Dated: New York, New York
April 7, 2017

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge