

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA

FILED

DEC 16 2003

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IN RE: Request from Australia)
Pursuant to the Treaty Between the)
Government of the United States of)
America and the Government of)
Australia on Mutual Assistance in)
Criminal Matters in the Matter of)
Andrew Khoo)

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Misc. No. 03 3878

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ORDER

Upon application of the United States, and upon review of the request from Australia seeking evidence under the Treaty Between the Government of the United States of America and the Government of Australia on Mutual Assistance in Criminal Matters, 1997 WL 597540 (Treaty), entered into force September 30, 1999, and the Court having fully considered this matter, is of the opinion and finds that the Motion is well-taken and should be granted. It is, therefore

ORDERED, pursuant to the authority conferred by the Treaty, as well as 28 U.S.C. § 1782 and this Court's inherent authority, that BRUCE R. HEGYI and JASON CARTER be, and hereby are, appointed as COMMISSIONERS OF THIS COURT and are hereby directed to execute the Treaty request as follows:

1. Take such steps as are necessary, including issuance of Commissioner's Subpoenas, to collect the evidence requested;
2. Provide notice with respect to the collection of evidence to those persons identified in the request as parties to whom notice should be given (and no notice to any other party

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shall be required);

3. Disclose such copies of this Order as is necessary to accomplish the purposes of the request for assistance, notwithstanding that this Order may be filed and maintained under seal;

4. Adopt procedures to collect the evidence requested, consistent with its use in the investigation or proceeding for which Australia has requested assistance, which procedures may be specified in the request or provided by or with the approval of the Australian Central Authority under the Treaty;

5. Seek such further orders of this Court as may be necessary to execute this request; and

6. Certify and submit the evidence collected to the Office of International Affairs, Criminal Division, U.S. Department of Justice, or as otherwise directed by that office for transmission to Australia.

IT IS FURTHER ORDERED that, in collecting the evidence requested, the Commissioner(s) may be accompanied by persons whose presence or participation is authorized by the Commissioner(s), including, without limitation, law enforcement agents and/or representatives of Australia.

SO ORDERED.


UNITED STATES DISTRICT JUDGE

Dated: December 16th, 2003