

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

STARWOOD HOTELS & RESORTS  
WORLDWIDE, INC.,

Plaintiff,

- against -

HILTON HOTELS CORPORATION N/K/A  
HILTON WORLDWIDE, ROSS KLEIN AND  
AMAR LALVANI,

Defendants.

-and-

UNITED STATES OF AMERICA,

Intervenor.

09 Civ. 3862 (SCR) (ECF)

3 ~~XXXXXXXXXX~~ ORDER GRANTING THE GOVERNMENT'S  
4 MOTION TO INTERVENE AND SEQUENCING DISCOVERY  
5

6 The United States of America, by and through the United States Attorney for the  
7 Southern District of New York (the "Government") having moved to intervene in this action  
8 based upon its pending criminal investigation of the subject matter of this action ("the parallel  
9 criminal investigation"), and all parties having consented to the Government's request to inter-  
10 vene, and the Court having found intervention pursuant to Fed. R. Civ. P. 24 both proper and  
11 permissible,

12 IT IS HEREBY ORDERED THAT, effective immediately, the Government  
13 shall be deemed an intervening party to this Action and shall be entitled to proper service of all  
14 papers and timely notice of all further proceedings in this Action.

15           The Government having further moved for a limited stay of discovery in this Ac-  
16 tion based upon the parallel criminal investigation, and the Court, having received and consi-  
17 dered the submissions and presentations of counsel for all parties, and counsel for the Govern-  
18 ment and counsel for Plaintiff Starwood Hotels & Resorts Worldwide, Inc. ("Starwood") having  
19 informed the Court and all parties of their agreement rendering the Government's formal motion  
20 moot, and the Court having considered the same and finding that the respective interests of the  
21 Government in conducting a thorough and expeditious investigation of possible criminal viola-  
22 tions and Starwood and Defendants in prosecuting and defending this Action are appropriately  
23 and properly protected by the terms thereof,


24           **IT IS FURTHER ORDERED THAT:**

- 25           1. Starwood will be deemed to have withdrawn those portions of its previously served  
26 document requests and interrogatories that seek identification of documents and in-  
27 formation provided to or sought by the Government, and will defer service of further  
28 document requests or interrogatories that seek identification of documents and infor-  
29 mation provided to or sought by the Government. All other aspects of Starwood's  
30 previously served document requests and interrogatories shall proceed and Defen-  
31 dants and non-parties served therewith shall respond or object thereto not later than  
32 May 17, 2010. Starwood's withdrawal of document requests and interrogatories pur-  
33 suant to this paragraph is without prejudice to Starwood's service or re-service at a  
34 later date of any or all of the requests deemed withdrawn or deferred, and is without  
35 prejudice to any objections of the Government or Defendants to such requests.
- 36           2. Going forward, should there be any disagreement as to limitations on discovery, the  
37 Government and Starwood will promptly present it to the Court by letter for confe-  
38 rence and resolution. This is without prejudice to Starwood's service at a later day of  
39 any discovery requests.
- 40           3. Defendants have not as yet served any discovery requests. Going forward, Defen-  
41 dants shall observe the protocol set forth in paragraphs 1 and 2 above in connection  
42 with any document requests and interrogatories that they may wish to serve in this  
43 Action.
- 44           4. All deposition discovery in this Action (other than as may be relevant to diversity ju-  
45 risdiction in the event the Court deems jurisdictional discovery necessary in connec-

46 tion with Defendants' pending motion to dismiss) will be stayed until October 1,  
47 2010. This is without prejudice to any party's ability to seek or oppose a further stay  
48 at the end of the six month period.

49 5. In light of the foregoing, that aspect of the Government's motion relating to discovery  
50 is denied as moot.

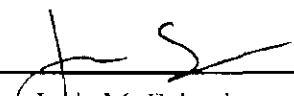
51 SO ORDERED THIS 29<sup>th</sup> DAY OF APRIL, 2010

  
United States District Judge

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**CONSENTED TO:**

OFFICE OF THE UNITED STATES  
ATTORNEY FOR THE SOUTHERN  
DISTRICT OF NEW YORK

By:   
Janis M. Echenberg  
One St. Andrew's Plaza  
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(212) 637-2527 telephone

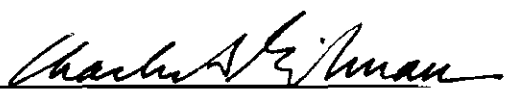
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*Attorneys for Defendant Hilton Hotels Cor-  
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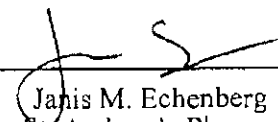
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United States District Judge

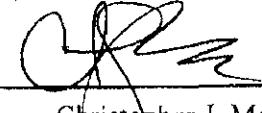
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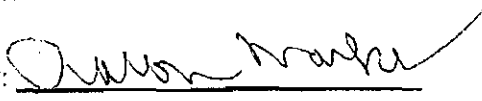
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