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9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 IN RE:) CASE NO.
14)
14 REQUEST FROM ITALY IN THE) [PROPOSED] ORDER APPOINTING
15 CRIMINAL MATTER OF MARIO) COMMISSIONER
15 TONNARELLI,)
16 _____)

17 Upon application of the United States, and upon review of the request seeking evidence pursuant
18 to a request for legal assistance made by Italy to the United States, and the Court having fully considered
19 this matter,

20 IT IS HEREBY ORDERED, pursuant to the authority conferred by 18 U.S.C. § 3512 and this
21 Court’s inherent authority, that Maureen C. Bessette, Assistant United States Attorney, is appointed as
22 Commissioner of this Court for purposes of executing the request from the requesting foreign authorities
23 to collect evidence, including the obtaining of records and the taking of statements and, if needed,
24 testimony, and to take other acts as necessary to comply with the treaty request. In executing the
25 request, the following rules shall govern:

- 26 1. The Commissioner may issue a Commissioner's Subpoena to be served within the United States
27 ordering a person or company to appear, testify, and produce evidence; and the Commissioner
28 may administer oaths in the taking of evidence;

ORDER APPOINTING COMMISSIONER

- 1 2. The Commissioner shall provide notice with respect to the collection of evidence to those
2 persons identified in the Request as parties to whom notice should be given, and no other notice
3 is required;
- 4 3. The Commissioner may adopt procedures to collect the evidence requested by the requesting
5 foreign authorities in their request, using procedures provided by treaty, if any;
- 6 4. The Commissioner may be accompanied by or represented by persons in the collection of the
7 evidence, including agents of the Federal Bureau of Investigation, and may be accompanied by
8 representatives of the requesting foreign authorities;
- 9 5. A person or company can object by motion timely filed with this Court;
- 10 6. The Commissioner may seek such further orders of this Court as are necessary to execute the
11 Request, including orders to show cause why persons served with Commissioner Subpoenas who
12 fail to appear and/or produce evidence should not be held in contempt, and protective orders to
13 regulate the use of evidence collected; and
- 14 7. The Commissioner shall certify and submit the evidence collected to the U.S. Department of
15 Justice, or as otherwise directed, for transmission to the requesting foreign authorities.

16
17 DATED: August __, 2021

18 HON. VIRGINIA K. DeMARCHI
19 United States Magistrate Judge
20 Northern District of California