

Ltr.”), ECF No. 123, at 2.) Moreover, NNPC noted that the parties had yet to agree on the parameters regarding the “alter-ego discovery,” further justifying its view that disclosure of its document searches was premature. (NNPC Ltr. at 2.)

The discovery in this action has slogged on for the past year, marred by a bevy of disagreements between the parties. Despite this Court’s hope that the May 15 Order would facilitate and expedite the completion of discovery so that the briefing on NNPC’s motion to dismiss could be completed, the parties continue to squabble about what has and has not been produced. Partially compounding the issue is the parties’ difference of opinion regarding which U.S.-based bank accounts NNPC must disclose. (Esso Ltr. at 1; NNPC Ltr. at 2–3.) This Court need not delve into the specifics of that dispute in view of its May 15 Order directing NNPC to identify “all accounts at a financial institution or bank located in the United States that it has used, maintained, or controlled, or over which it has an interest.” Esso Exploration & Prod. Nigeria Ltd. v. Nigerian Nat’l Petroleum Corp., 2017 WL 2491999, at *2 (S.D.N.Y. May 15, 2017). But because the issue of NNPC’s use of, or interest in, a U.S. bank account has been hotly contested by both parties, a “detailed explanation of the searches undertaken to identify responsive documents” is necessary to assuage Esso’s concerns that NNPC has not disclosed the full scope of relevant documents in discovery. See, e.g., Lava Trading, Inc. v. Hartford Fire Ins. Co., 2005 WL 459267, at *16 (S.D.N.Y. Feb. 24, 2005) (“[T]o clear up any ambiguity about the completeness of [defendant’s] production at this late date, [defendant] will be required to provide an affidavit . . . detailing the scope of the document searches undertaken . . . and the completeness of the production of all responsive documents.”).

Of course, that detailed explanation cannot be provided until NNPC has concluded that its search, collection, and production of relevant documents is complete. Based

on NNPC's representations that its search is ongoing, a description of its document search is premature. But NNPC is directed to complete discovery on the Bank Account Information and PwC Documents by September 30, 2017. NNPC is then directed to produce the relevant document search information by October 9, 2017.

Further, in view of the parties' ongoing discussion on the appropriate scope of Alter Ego Documents, the parties are directed to complete discovery on the Alter Ego Documents by October 30, 2017. NNPC is then directed to produce the relevant document search information by November 6, 2017.

II. Litigation Hold

Based on NNPC's representation that it would provide Esso with "the information [it] seeks regarding document preservation by no later than August 4, 2017," Esso's request for such information at this time is moot.

III. Pending Motion to Dismiss

In November 2016, this Court entered a briefing schedule regarding NNPC's motion to dismiss with the understanding that jurisdictional discovery would be completed in time for the parties to file their briefs. (ECF No. 61.) In view of the ongoing, prolonged disputes hobbling discovery, the deadlines regarding the motion to dismiss were extended several times. NNPC filed its motion to dismiss in January 2017, but no opposition or reply have been filed because discovery remains incomplete.

But this action must move forward. Based on the discovery schedule set forth herein, NNPC's pending motion to dismiss is stricken, with leave to file a renewed motion in accordance with the following briefing schedule:

1. Following completion of jurisdictional discovery, NNPC is directed to file a renewed motion to dismiss by November 15, 2017.

- 2. Esso is directed to file its opposition brief by December 15, 2017.
- 3. NNPC is directed to file its reply by January 5, 2018.
- 4. Oral argument on the motion to dismiss shall be held on January 19, 2018 at 11:30 a.m.

The Clerk of Court is directed to terminate the motion pending at ECF No. 65.

Dated: August 7, 2017
New York, New York

SO ORDERED:


WILLIAM H. PAULEY III
U.S.D.J.