

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: ~~MAR 21 2017~~**

Royal Park Investments SA/NV,  
Individually and on Behalf of All Others Similarly  
Situated,

Plaintiff,

—v—

Deutsche Bank National Trust Company, as  
Trustee,

Defendant.

14-CV-4394 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

On May 26, 2016, Plaintiff Royal Park Investments SA/NV (“Royal Park”) moved to certify this matter as a class action pursuant to Federal Rules of Civil Procedure 23(a) and 23(b)(3), to appoint Royal Park as class representative, and to appoint Royal Park’s counsel, Robbins Geller Rudman & Dowd LLP, as class counsel. Dkt. No. 160. In a concurrently filed Memorandum & Order under temporary seal (the “Memorandum & Order”), the Court DENIES the motion without prejudice on the ground that Royal Park has failed to carry its burden of demonstrating by a preponderance of the evidence that the proposed class, as currently defined, is sufficiently ascertainable. The Court grants Royal Park leave to renew its motion so as to propose an appropriately redefined class.

Because the Memorandum & Order arguably makes reference to certain evidentiary materials that are the subject of sealing applications submitted by Royal Park and approved by the Court, the Court has directed the parties to meet and confer and advise the Court within ten business whether they believe that any portion of the Memorandum & Order should be redacted prior to its public docketing. After determining which, if any, portion of the Memorandum &

Order may be redacted under *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006), the Court will file the Memorandum & Order on the public docket.

This Order, by reference to the temporarily sealed Memorandum & Order, resolves Dkt. No. 160.

SO ORDERED.

Dated: March 21, 2017  
New York, New York

A handwritten signature in black ink, appearing to read 'ALISON J. NATHAN', written over a horizontal line.

ALISON J. NATHAN  
United States District Judge