UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

In re Application of BAPA Holdings, Corp.

Misc. Action No. 25-00026 (AHA) (D.D.C. Jan. 15, 2026) · No. Misc. Action No. 25-00026 (AHA) · Decided January 15, 2026

SUMMARY

The United States District Court for the District of Columbia denied NeWay Capital LLC's motion to stay pending appeal an order granting BAPA Holdings, Corp. discovery under 28 U.S.C. § 1782 for use in a foreign proceeding. The court concluded that NeWay had not shown a likelihood of success, irreparable harm, or that the remaining stay factors favored relief. The opinion focuses principally on personal jurisdiction, NeWay's alleged principal place of business in Washington, D.C., and the weight and timing of evidence concerning its corporate operations.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Amir H. Ali
JURISDICTION	United States District Court for the District of Columbia
DECIDED	January 15, 2026
DOCKET	Misc. Action No. 25-00026 (AHA)
DISPOSITION	other
PROCEDURAL POSTURE	NeWay Capital LLC moved to stay pending appeal an order denying its motion to vacate a discovery order and quash a subpoena issued under 28 U.S.C. § 1782. The district court denied the stay.
STANDARD OF REVIEW	The court applied the four-factor standard governing stays pending appeal: likelihood of success on the merits, irreparable harm absent a stay, substantial injury to other parties, and the public interest. The first two factors are the most critical.
PRECEDENTIAL VALUE	Published district court memorandum opinion; persuasive authority within the District of Columbia but not binding on appellate courts.
PARTIES	NeWay Capital LLC v. BAPA Holdings, Corp.

TOPICS

appellate procedure · personal jurisdiction · evidence · foreign affairs · commercial litigation

PRACTICE AREAS

Civil procedure | Appellate procedure | Personal jurisdiction | International judicial assistance

QUESTIONS PRESENTED

1. Whether NeWay was entitled to a stay pending appeal of the order denying its motion to vacate the § 1782 discovery order and quash the subpoena.
2. Whether NeWay had shown a strong likelihood of success on its challenge to personal jurisdiction based on the location of its principal place of business.
3. Whether compelled disclosure under the § 1782 subpoena constituted irreparable harm warranting a stay.
4. Whether BAPA or the public interest would be substantially injured by granting a stay.

HOLDINGS

1. NeWay was not entitled to a stay pending appeal because it failed to establish the required stay factors, including a strong likelihood of success on the merits and irreparable harm.
2. NeWay was unlikely to succeed because the court had applied the correct general-jurisdiction standard and reasonably concluded that NeWay was essentially at home in the District of Columbia.
3. NeWay's cursory jurisdictional argument and evidence first presented in reply were insufficient and potentially forfeited.
4. NeWay did not establish irreparable harm merely by asserting that disclosure could involve confidential business information or trade secrets.

KEY QUOTATIONS

> *"A stay pending appeal is an 'extraordinary' remedy."* (at 7)

> *"The public interest does not favor a stay; rather, a stay would frustrate the dual purposes of § 1782"* (at 14)

> *"For these reasons, the court denies NeWay's motion to stay proceedings pending appeal, ECF No. 15."* (at 15)

FACTUAL BACKGROUND

BAPA sought discovery from NeWay under § 1782 for use in a foreign proceeding. The court found that NeWay was subject to jurisdiction in the District of Columbia because its website, annual reports, SEC filings, executive-team locations, and other contemporaneous evidence identified Washington, D.C. as its headquarters or principal place of business. NeWay instead relied on a Mississippi residential address associated with one board member and one employee, while providing incomplete and late evidence about its operations and executives.

PROCEDURAL HISTORY

BAPA Holdings applied ex parte under § 1782 for discovery from NeWay for use in a Guatemalan proceeding. The court granted the application, later denied NeWay's motion to vacate and quash, and then considered NeWay's motion for a stay pending appeal. The court denied the stay after finding that NeWay had not shown a likelihood of success, irreparable harm, substantial injury to BAPA from denial of a stay, or that the public interest favored a stay.

DISPOSITION

other

CASES CITED

- KalshiEX LLC v. Commodity Futures Trading Comm'n, 119 F.4th 58, 63 (D.C. Cir. 2024)
- Citizens for Resp. & Ethics in Wash. v. Fed. Election Comm'n, 904 F.3d 1014, 1017 (D.C. Cir. 2018) (per curiam)
- Nken v. Holder, 556 U.S. 418, 434 (2009)
- Hilton v. Braunskill, 481 U.S. 770, 776 (1987)
- Daimler AG v. Bauman, 571 U.S. 117, 127, 137-38 (2014)
- In re del Valle Ruiz, 939 F.3d 520, 528 (2d Cir. 2019)
- Hertz Corp. v. Friend, 559 U.S. 77, 92-93, 97 (2010)
- Gold Reserve Inc. v. Bolivarian Republic of Venezuela, 146 F. Supp. 3d 112, 126 (D.D.C. 2015)
- In re Sealed Case, 77 F.4th 815, 829 (D.C. Cir. 2023)
- N.Y. Rehab. Care Mgmt., LLC v. NLRB, 506 F.3d 1070, 1076 (D.C. Cir. 2007)
- Twin Rivers Paper Co. LLC v. SEC, 934 F.3d 607, 615 (D.C. Cir. 2019)
- McAllister v. District of Columbia, 689 F. App'x 646, 646-47 (D.C. Cir. 2017)
- World Wide Travel Inc. v. Travelmate US, Inc., 6 F. Supp. 3d 1, 5 (D.D.C. 2013), on reconsideration, No. 13-cv-1333, 2014 WL 12526712 (D.D.C. Jan. 7, 2014)
- In re Qatar Nat'l Bank, No. 24-mc-35, 2025 WL 445188, at *2 (D.D.C. Feb. 10, 2025), aff'd sub nom. Qatar Nat'l Bank v. Perles L. Firm, P.C., No. 25-7029, 2025 WL 2945746 (D.C. Cir. Oct. 17, 2025)
- In re Carlton Masters, In re Masters, 315 F. Supp. 3d 269, 272 (D.D.C. 2018)
- Gushlak v. Gushlak, 486 F. App'x 215, 217 (2d Cir. 2012)
- In re Noguer, 2019 WL 1034190, at *4-*5 (S.D.N.Y. Mar. 5, 2019)
- HRC-Hainan Holding Co., LLC v. Yihan Hu, 2020 WL 1274877, at *6 (N.D. Cal. Mar. 17, 2020)
- Intel Corp. v. Advanced Micro Devices, Inc., 542 U.S. 241, 252 (2004)
- In re Application of Hornbeam Corp., 2017 WL 2241522, at *2 (S.D.N.Y. May 22, 2017)