

SEILER EPSTEIN ZIEGLER & APPEGATE LLP  
Attorneys at Law

1 William J. Ziegler (SBN 041203)  
2 Douglas A. Applegate (SBN 142000)  
3 George M. Lee (SBN 172982)  
4 **SEILER EPSTEIN ZIEGLER & APPEGATE LLP**  
5 101 Montgomery Street, 27th Floor  
6 San Francisco, California 94104  
7 Phone: (415) 979-0500  
8 Fax: (415) 979-0511  
9  
10 Attorneys for Plaintiff  
11 Meridian Investment Management, Inc.

7 UNITED STATES DISTRICT COURT  
8  
9 NORTHERN DISTRICT OF CALIFORNIA

10 MERIDIAN INVESTMENT  
11 MANAGEMENT, INC., a Delaware  
12 Corporation  
13  
14 Plaintiff,  
15  
16 vs.  
17 MERIDIAN REAL ESTATE INVESTMENT  
18 COMPANY II, a Cayman Islands company,  
19  
20 Defendant,

Case No. C-08 02542 MMC  
**[PROPOSED] ORDER GRANTING PLAINTIFF  
MERIDIAN INVESTMENT MANAGEMENT,  
INC.'S MOTION FOR LETTERS OF REQUEST  
(LETTERS ROGATORY) – FRCP 28(b)**  
Date: May 15, 2009  
Time: 9:00 a.m.  
Courtroom E, 15<sup>th</sup> Floor  
Judge: Hon.

17 The motion of plaintiff Meridian Investment Management, Inc. (“plaintiff”) for an order  
18 issuing Letters of Request (also captioned Letters Rogatory) pursuant to Fed. R. Civ. Pro.  
19 28(b) was duly noticed for hearing in the above matter before this court, and thereafter assigned  
20 for decision to the Hon. Elizabeth D. LaPorte. On May 12, 2009, the parties waived any  
21 hearing on the motion and defendant stated that it had no objection to the requested order.  
22 Plaintiff and moving party was represented by Douglas A. Applegate, plaintiff’s counsel of  
23 record. Defendant Meridian Real Estate Investment Company II (“defendant”) was represented  
24 by David Kiernan, its counsel of record.

25 The court considered all papers submitted in support of the plaintiff’s motion, and  
26 finding good cause, will hereby ORDER as follows:

27 Plaintiff’s motion for the issuance of Letters of Request (Letters Rogatory) to take the  
28 depositions of Mr. Mutasem H. Al-Shihabi, and Mr. Loay Jassim Al-Kharafi, through the

1 appropriate judicial authority of the State of Kuwait, is hereby GRANTED. The court finds  
2 that the deposition testimony of these two individuals will likely produce material evidence  
3 pending in the instant action, or is reasonably calculated to lead to the discovery of admissible  
4 evidence. Issuance of Letters of Request is authorized and appropriate under FRCP 28(b), and  
5 the principle of the comity of nations.

6 WHEREFORE, the court will and hereby does issue the Letters of Request, attached to  
7 this Order as **Exhibit A**, and hereby ORDERS that such Letters be transmitted to the  
8 appropriate judicial authority of the State of Kuwait. Plaintiff shall cause the letters of request  
9 to be issued through the appropriate channels, and be authenticated and translated as required  
10 by 28 U.S.C. § 1781, with translation into Arabic, and plaintiff will comply with any other  
11 requirements of the State Department for submission and transmittal to the State of Kuwait,  
12 Ministry of Justice.

13 The depositions shall take place on a date and time mutually agreeable to the parties,  
14 their counsel and the witnesses.

15  
16 Dated: May 12, 2009



17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28