

1 HONORABLE ELIZABETH D. LAPORTE
 2 UNITED STATES MAGISTRATE JUDGE
 3 450 Golden Gate Avenue
 4 Courtroom E, 15th Floor
 5 San Francisco, California 94104
 6 United States of America

7 UNITED STATES DISTRICT COURT

8 NORTHERN DISTRICT OF CALIFORNIA

10 MERIDIAN INVESTMENT
 11 MANAGEMENT, INC., a Delaware
 Corporation

Case No. C-08 02542 MMC

LETTERS OF REQUEST

12 Plaintiff,

13 vs.

14 MERIDIAN REAL ESTATE INVESTMENT
 15 COMPANY II, a Cayman Islands company,

16 Defendant,

17 This United States District Court, sitting in and for the Northern District of California,
 18 presents its compliments to the appropriate Judicial Authority of the State of Kuwait, and
 19 requests international judicial assistance to obtain evidence to be used in a civil proceeding
 20 before this court in the above-captioned matter. A trial of this matter is presently set for
 21 hearing on January 4, 2010.

22 This court requests the assistance described herein, as necessary in the interests of
 23 justice. The assistance requested is that the appropriate Judicial Authority of the State of
 24 Kuwait compel the appearance of the below-named individuals to be examined at deposition,
 25 before an appropriate judicial officer, or other commissioner or deposition officer capable of
 26 administering oaths, and/or taking testimony, pursuant to the laws and processes of the State of
 27 Kuwait.

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1 The individuals to be examined at deposition are as follows:

2 Mr. Mutasem H. Al-Shihabi A.H. Alsagar & Bros. 3 P.O. Box 244 4 Safat 13003 Kuwait 5 Tel. (965) 481-7924	Mr. Loay Jassim Al-Kharafi Al Mal Investment Company P.O. Box 26308 Safat 13124 Kuwait Tel. (965) 2-225-4800
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6 Both individuals are citizens and residents of the State of Kuwait.

7 The case pending before this court is a claim by the plaintiff/claimant Meridian
8 Investment Management, Inc. (“plaintiff”), that it was defamed by agents acting on behalf of
9 the defendant/respondent Meridian Real Estate Investment Company II, a Cayman Islands
10 company (“defendant”). Specifically, the plaintiff alleges that Mr. Al-Shihabi, acting as a
11 director for the defendant, falsely blamed the plaintiff for the inaction and inability to close the
12 operations of the defendant company. As a result, plaintiff alleges, shareholders of the
13 defendant have ceased doing business with plaintiff with respect to other investments. The
14 plaintiff further alleges that Mr. Al-Kharafi, who became a chairman of the defendant,
15 continued to disparage plaintiff and in a press conference reported in the ALQABAS
16 newspaper on May 28, 2008 blamed plaintiff for the loss of \$2 million from the defendant
17 company. Plaintiff alleges that this continuing disparagement caused it to suffer damages by
18 loss of reputation and investments.

19 The plaintiff, Meridian Investment Management, Inc., is represented by
20 Douglas A. Applegate, of the law firm of Seiler Epstein Ziegler & Applegate LLP, 101
21 Montgomery Street, 27th Floor, San Francisco, California 94104, United States;
22 telephone: (415) 979-0500; facsimile: (415) 979-0511.

23 The defendant, Meridian Real Estate Investment Company II, is represented by
24 David Kiernan, of the law firm of Jones Day, 555 California Street, 26th Floor, San Francisco,
25 California 94104, United States; telephone: (415) 626-3939; facsimile: (415) 875-5700.

26 The testimony of Messrs. Al-Shihabi and Al-Kharafi is requested to confirm, verify and
27 authenticate that certain statements were made by these gentlemen on behalf of the defendant.

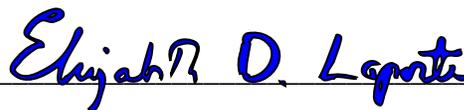
28 These statements are the subject of this court proceeding.

1 This court of the United States will be ready and willing to provide the same assistance
2 to the State of Kuwait, when such letter of request is properly requested and transmitted to this
3 court. This court will direct plaintiff to reimburse the State of Kuwait for any administrative
4 costs incurred in executing the letter of request, and compelling the testimony of
5 Messrs. Al-Shihabi and Al-Kharafi thereunder.

6 WHEREFORE, this United States District Court for the Northern District of California,
7 pursuant to Federal Rule of Civil Procedure 28(b), hereby requests that, in furtherance of
8 justice and by the proper and usual process of your Judicial Authority, you summon the
9 attorneys or agents of the parties and the witness to be examined to attend at such mutually
10 agreed upon time and place, either before you, or before such officer or commissioner as
11 according to your procedures is competent to take evidentiary depositions of witnesses, and
12 that you will cause the witness, on oath or affirmation, to be examined for the giving of
13 testimony and the production of documents in his possession identified in the attached request,
14 in the presence of the attorneys or agents of the party or such of them as shall, on due notice
15 given, attend the examination.

16 IT IS FURTHER REQUESTED that you cause or permit these depositions to be
17 reduced to writing, and cause or permit said depositions, with all exhibits marked and attested,
18 to be returned to us, through the nearest United States consular officer under cover, duly sealed
19 and addressed to the Clerk of the United States District Court for the Northern District of
20 California, United States of America.

21 This Letter of Request is made on this 12th day of May 2009, at San
22 Francisco, California, United States.

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25 HONORABLE ELIZABETH D. LAPORTE
26 UNITED STATES MAGISTRATE JUDGE
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