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9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION

13 SECURITIES AND EXCHANGE
 COMMISSION,

14 Plaintiff,

15 vs.

17 VINAYAK S. GOWRISH,

18 Defendant.

Case No. CV 09-5883 (SI)

**[PROPOSED] ORDER COMPELLING
 SAMEER N. KHOURY TO APPEAR FOR
 DEPOSITION**

1 WHEREAS, the U.S. Securities & Exchange Commission (“SEC” or “Commission”)
2 named Sameer N. Khoury (“Mr. Khoury”) as a defendant in this action.

3 WHEREAS, Mr. Khoury settled with the SEC as reflected in the Consent and Final
4 Judgment as to Mr. Khoury filed on December 16, 2009.

5 WHEREAS, defendant Vinayak S. Gowrish (“Mr. Gowrish”) has engaged in significant
6 efforts to secure Mr. Khoury’s attendance at a deposition.

7 WHEREAS, counsel for Mr. Gowrish made numerous telephone calls to Mr. Khoury to
8 schedule his deposition.

9 WHEREAS, on July 23, 2010, Mr. Gowrish served a deposition notice on Mr. Khoury via
10 U.S. Mail.

11 WHEREAS, on August 10, 2010, Mr. Khoury hung up the telephone on Mr. Gowrish’s
12 counsel after Mr. Khoury stated that he has no intention of attending a deposition.

13 WHEREAS, on at least four separate occasions across August and September 2010,
14 process servers engaged by Mr. Gowrish attempted to serve a subpoena for deposition testimony
15 on Mr. Khoury at his most recent address.

16 WHEREAS, Mr. Gowrish’s counsel is informed and has reason to believe that Mr.
17 Khoury was home but did not answer the door when a process server with a deposition subpoena
18 rang the doorbell at Mr. Khoury’s most recent address on September 14, 2010.

19 WHEREAS, Mr. Gowrish has not been able to issue a deposition subpoena to Mr.
20 Khoury.

21 WHEREAS, at the August 27, 2010, case management conference, the Court
22 recommended that Mr. Gowrish should submit a proposed order for the Court to issue compelling
23 Mr. Khoury’s deposition, and the SEC did not oppose such a procedure.

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NOW THEREFORE, FOR GOOD CAUSE SHOWN, THIS COURT ORDERS
THAT Sameer N. Khoury must appear for a deposition on October 19, 2010, at 9:30 a.m., at the offices of Morgan, Lewis & Bockius LLP, One Market, Spear Street Tower, San Francisco, CA 94105. In accordance with Rule 30(d)(1) of the Federal Rules of Civil Procedure, counsel is permitted to depose Mr. Khoury for up to seven hours.

IT IS SO ORDERED.

Dated: _____, 2010



THE HONORABLE SUSAN ILLSTON
UNITED STATES DISTRICT COURT JUDGE

1 **PROOF OF SERVICE**

2 *Securities and Exchange Commission v. Gowrish, et al*; USND CV 09-5883 (SI)

3 (We represent Defendant Gowrish)

4 I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is One Market, Spear Street Tower, San Francisco, California 94105-1126.

5 On **September 29, 2010**, I served the within document(s) to the addressees listed below as listed on the United States District Court's ECF Notification "**Manual Notice List**."

6 **[PROPOSED] ORDER COMPELLING SAMEER N. KHOURY TO APPEAR FOR DEPOSITION**

7 **9/29/10 COVER LETTER TO HON. SUSAN Y. ILLSTON FROM JASON B. ALLEN RE: [PROPOSED] ORDER COMPELLING SAMEER N. KHOURY TO APPEAR FOR DEPOSITION**

Addressee	Represent	Service
<p>11 Robert B. Kaplan Securities and Exchange Commission 100 F Street, NE Washington, DC 20549</p>	<p>Plaintiff, <i>SEC</i></p>	<p>U.S. Mail</p>
<p>13 Margaret Corrigan Circuit Mediation Office U.S. Court of Appeals, Ninth Circuit 95 Seventh St. P.O. Box 193939 San Francisco, CA 94119 email: Margaret_Corrigan@ca9.uscourts.gov</p>	<p>Mediator</p>	<p>U.S. Main</p>

18 by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the **United States mail** at San Francisco, California addressed as set forth below.

19 I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

22 Executed on **September 29, 2010**, at San Francisco, California.

23 I declare under penalty of perjury, under the laws of the State of California, that the above is true and correct.

24 /s/ Linda Buda 
25 Linda Buda