

1 Paul S. Jasper (CSB # 200138)
 DEWEY & LEBOEUF LLP
 2 One Embarcadero Center, Suite 400
 San Francisco, CA 94111
 3 Telephone: (415) 951-1100
 4 Facsimile: (415) 951-1180
 Email: pjasper@dl.com

5
 Lawrence M. Hill (admitted *pro hac vice*)
 6 Kelly A. Librera (admitted *pro hac vice*)
 DEWEY & LEBOEUF LLP
 7 1301 Avenue of the Americas
 New York, New York 10019
 8 Telephone: (212) 259-8000
 9 Facsimile: (212) 259-6333
 Email: lhill@dl.com, klibrera@dl.com

10 Attorneys for Non-Party Deutsche Bank

DEWEY & LEBOEUF LLP
 One Embarcadero Center, Suite 400
 San Francisco, CA 94111

11
 12 **IN THE UNITED STATES DISTRICT COURT**
 13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 14 **OAKLAND DIVISION**

15 TOM GONZALES, as Personal Representative
 16 for the Estate of Thomas J. Gonzales, II,
 17 Plaintiff,
 18 v.
 19 UNITED STATES OF AMERICA and the
 20 DEPARTMENT OF TREASURY, by its
 agency, the INTERNAL REVENUE SERVICE,
 21 Defendants.
 22

Case No. C-08-3189 SBA (EDL)

**[PROPOSED] ORDER GRANTING
 NON-PARTY DEUTSCHE BANK'S
 MOTION TO QUASH PLAINTIFF'S
 SUBPOENA FOR A RULE 30(b)(6)
 DOCUMENT CUSTODIAN
 DEPOSITION AND DENYING
 PLAINTIFF'S MOTION TO COMPEL
 A RULE 30(b)(6) DOCUMENT
 CUSTODIAN DEPOSITION**

Honorable Elizabeth D. Laporte

23
 24
 25
 26
 27
 28 [Proposed] Order Granting Non-Party Deutsche Bank's Motion to Quash Plaintiff's Subpoena
 for a Rule 30(b)(6) Document Custodian Deposition and Denying Plaintiff's Motion to Compel a
 Rule 30(b)(6) Document Custodian Deposition

1 **WHEREAS** Plaintiff and Non-Party Deutsche Bank, by and through their
2 respective counsel, appeared on December 1, 2009, before the Honorable Elizabeth D. Laporte
3 for a hearing on Non-Party Deutsche Bank’s Motion to Quash Plaintiff’s Subpoena for a Rule
4 30(b)(6) Document Custodian Deposition and Plaintiff’s Motion to Compel a Rule 30(b)(6)
5 Document Custodian Deposition; and

6 **WHEREAS** the Court considered the writings and memoranda submitted by
7 Deutsche Bank and Plaintiff and after hearing oral argument by counsel, **ORDERED** that

- 8 (a) Non-Party Deutsche Bank’s Motion to Quash Plaintiff’s Subpoena for a
9 Rule 30(b)(6) Document Custodian Deposition is **GRANTED**, provided
10 that Deutsche Bank executes a declaration as described in paragraph (c);
11 and
12 (b) Plaintiff’s Motion to Compel a Rule 30(b)(6) Document Custodian
13 Deposition is **DENIED**; and
14 (c) Deutsche Bank is to provide, in the form of a declaration, information
15 concerning documents Bates-stamped TG 01491-TG 01500, TG 01509-
16 TG 01518, TG 01528-TG 01537, TG 01546-TG 01555, and TG 01560-
17 TG 01583, which documents were produced by another party and have not
18 been located by Deutsche Bank, but Deutsche Bank has no reason to
19 believe that such documents are not authentic and appear to be (i) on
20 Deutsche Bank letterhead and (ii) similar in form to other contracts and
21 transaction documentation created and maintained by Deutsche Bank
22 during the course of its regularly conducted business activity.
23 Additionally, documents TG 01560-TG 01583 appear to be signed by
24 individuals who were employed by Deutsche Bank as of the date of said
25 documents.

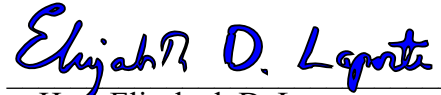
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Deutsche Bank is to provide the declaration by December 16, 2009.

IT IS SO ORDERED.

December 10, 2009

Date



Hon. Elizabeth D. Laporte

DEWEY & LEBOEUF LLP
One Embarcadero Center, Suite 400
San Francisco, CA 94111