

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ABU DHABI COMMERCIAL BANK,  
KING COUNTY, WASHINGTON  
Together and On Behalf of All Others  
Similarly Situated,

Plaintiffs,

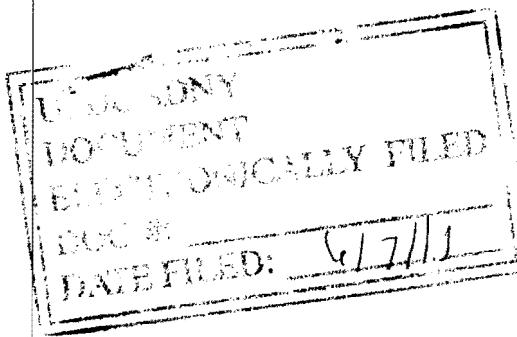
v.

MORGAN STANLEY & CO.  
INCORPORATED, MORGAN  
STANLEY & CO. INTERNATIONAL  
PLC, MOODY'S INVESTORS  
SERVICE, INC., MOODY'S  
INVESTORS SERVICE LTD.,  
STANDARD AND POOR'S RATINGS  
SERVICES and THE McGRAW HILL  
COMPANIES, INC.,

Defendants.

**ORDER REGARDING PLAINTIFFS'  
MOTION TO QUASH THE  
DEPOSITION OF MICHAEL SMITH  
AND FOR PROTECTIVE ORDER  
PREVENTING THE DEPOSITION OF  
ALA'A ERAIQAT**

Case No. 08 Civ. 7508 (SAS)



SHIRA A. SCHEINDLIN, DISTRICT JUDGE:

The Court, having reviewed Report & Recommendation No. 9 of the Special Master [Docket No. 252],  
*and having received no objections from the parties, hereby*  
**ORDERS** that:

1. Report and Recommendation No. 9 is adopted.
2. Plaintiffs' Motion to Quash the Deposition of Michael Smith is hereby **denied**.

Defendants are entitled to notice Mr. Smith's deposition to take place in Plaintiffs'  
chosen forum, New York, New York.

3. Plaintiffs' Motion for a Protective Order Preventing the Deposition of Ala'a Eraiqat is **granted**. However, the Court will permit Defendants to submit a request seeking permission to depose Mr. Eraiqat if, after the anticipated 30(b)(6) deposition of ADCB

and any other ADCB witnesses that may be made available in discovery in this case, Defendants are able to make an adequate showing that that Mr. Eraiqat possesses unique, non-duplicative knowledge of relevant facts that Defendants were unable to obtain through a Rule 30(b)(6) deposition of ADCB or through the testimony of other ADCB witnesses.

SO ORDERED:



Shira A. Scheindlin  
District Judge

Dated: May 7, 2011 June 7, 2011