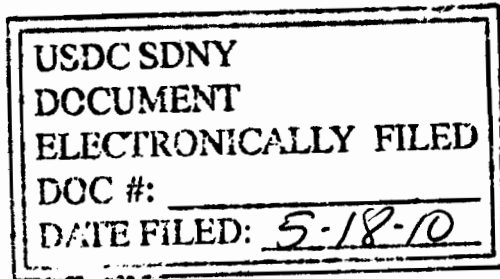


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



----- x  
SECURITIES AND EXCHANGE COMMISSION, :  
 :  
Plaintiff, :  
 :  
-v- :  
 :  
GALLEON MANAGEMENT, LP, et al., :  
 :  
Defendants. :  
----- x

09 Civ. 8811 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

Defendant Roomy Khan moves for a protective order prohibiting defendant Raj Rajaratnam from obtaining certain categories of information from, respectively, the Securities and Exchange Commission ("SEC"), third party First Republic Bank, and defendant Khan herself. The Court received letter briefing from the two affected defendants, as well as from the SEC, and heard oral argument on February 19, 2010. Although the Court held this issue in abeyance while it was considering whether to adjourn the trial date until after the completion of the parallel criminal trial, that adjournment has since been granted, and so the Court turns to defendant Khan's motion. For the reasons discussed below, that motion is granted.

Securities and Exchange Commission v. Galleon Management, LP et al

Doc. 166

First, defendant Rajaratnam seeks six complete forensic images of five computers, one of which was imaged twice, belonging to defendant Khan. The SEC has conducted keyword searches of these images and has produced relevant documents yielded by those searches. Although defendant Rajaratnam was offered the opportunity to assist in the formulation of the search keywords, he refused. Defendant

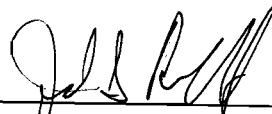
Rajaratnam has thus declined the opportunity to participate in locating relevant documents in a meaningful way, and, under these circumstances, the Court will not require the production of the full images -- which will likely contain a great deal of both personal and irrelevant data -- to the detriment of defendant Khan's privacy.

Second, defendant Rajaratnam has issued a third-party subpoena to First Republic Bank, seeking a broad array of defendant Khan's financial records, including records pertaining to a mortgage application made in 2000. Pressed to justify this broad subpoena, all that counsel for Rajaratnam could offer was a speculation that these records contain "likely false" statements that may be used for impeachment. See tr., 2/19/10, at 53, 55. Under these circumstances, it is clear that this request amounts to little more than an impermissible fishing expedition.

Finally, defendant Rajaratnam seeks a wide variety of materials from defendant Khan herself, including tax returns, appointment calendars, records relating to employment history, etc. The Court likewise denies this request as overbroad and speculative.

Accordingly, the Court hereby grants defendant Khan's motion quashing Rajaratnam's requests for the three above-mentioned categories of information. This ruling is, however, without prejudice to Rajaratnam's propounding more tailored and less speculative requests in each of these categories.

SO ORDERED.



---

JED S. RAKOFF, U.S.D.J.

Dated: New York, New York  
May 18, 2010