

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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COURTNEY LINDE, et al.,

Plaintiffs,

CV-04-2799 (NG)(VVP)

- v -

**AND ALL RELATED CASES<sup>1</sup>**

ARAB BANK, PLC,

Defendant.

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**MEMORANDUM ORDER**

The defendant seeks an order precluding the plaintiffs from examining witnesses in depositions now underway in Amman, Jordan concerning documents the defendant contends the plaintiffs were obligated to produce in response to the defendant's document requests. The specific documents that have raised the defendant's concern are annual reports issued by the defendant in 1956 and 1970, but they also assert that this type of inquiry is part of a pattern of "ambush" purportedly used in previous depositions.<sup>2</sup> The defendant has not, however, pointed to any specific requests to which the documents were responsive. For their part, the plaintiffs take the position that they had no obligation to produce the specific documents identified by the defendant because they were equally available to both parties - indeed, they were prepared by the defendant itself and were obtained from the defendant's website where they are publicly available.

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<sup>1</sup>The following related cases have been consolidated with the instant case for purposes of discovery and other pretrial proceedings: *Philip Litle, et al. v. Arab Bank, PLC*, CV-04-5449 (NG)(VVP), *Oran Almog, et al. v. Arab Bank, PLC*, CV-04-5564 (NG)(VVP), *Robert L. Coulter Sr., et al. v. Arab Bank, PLC*, CV-05-365 (NG)(VVP), *Gila Afriat-Kurtzer, et al. v. Arab Bank, PLC*, CV-05-388 (NG)(VVP), *Michael Bennett et al. v. Arab Bank, PLC*, CV-05-3183 (NG)(VVP), *Arnold Roth, et al. v. Arab Bank, PLC*, CV-05-3738 (NG)(VVP), *Stewart Weiss, et al. v. Arab Bank, PLC*, CV-06-1623 (NG)(VVP), and *Joseph Jesner, et al. v. Arab Bank, PLC*, CV-06-3869 (NG)(VVP).

<sup>2</sup>The defendant also complains, although without seeking any specific relief, that the plaintiffs have examined one of the witnesses, Abdel Hamid Shoman, beyond the limits set by the court in permitting continuation of his deposition.

Whatever the merits may be concerning the plaintiffs' obligation to produce the documents in question, or other unproduced documents about which they wish to obtain testimony, the court declines to issue any order precluding examination at the current depositions. To the extent that the defendant can support its contention concerning the plaintiffs' failure to comply with discovery obligations, the court can provide appropriate remedies including orders striking improperly obtained testimony and precluding its use in proceedings before the court. The defendant may of course note its objections on the record to testimony concerning any unproduced documents introduced during the depositions.

**SO ORDERED:**

*Viktor V. Pohorelsky*

VIKTOR V. POHORELSKY

United States Magistrate Judge

Dated: Brooklyn, New York  
May 11, 2010