

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

KEVIN J. MURRAY,

Plaintiff,

v.

TIMOTHY F. GEITHNER, in his official
capacity as Secretary, U.S. Department of
Treasury; **BOARD OF GOVERNORS
OF THE FEDERAL RESERVE
SYSTEM,**

Defendants.

Case No. 08-CV-15147

Hon. Lawrence P. Zatkoff

Magistrate Mona K. Majzoub

LAW OFFICES OF DAVID YERUSHALMI, P.C.

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Counsel for Plaintiff

**NOTICE OF SERVICE OF SUBPOENA COMMANDING DEPOSITION TESTIMONY
AND THE PRODUCTION OF DOCUMENTS, ELECTRONICALLY STORED
INFORMATION, OR TANGIBLE THINGS**

Plaintiff hereby gives notice pursuant to Federal Rule of Civil Procedure 45(b)(1) to Defendants that it intends to serve the attached subpoena commanding deposition testimony and the production of documents, electronically stored information, or tangible things upon the Federal Reserve Bank of New York.

Respectfully submitted,

LAW OFFICES OF DAVID YERUSHALMI, P.C.

/s/ David Yerushalmi

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Counsel for Plaintiff

[Certificate of Service follows.]

CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2010, a copy of the foregoing PLAINTIFF'S NOTICE OF SERVICE OF SUBPOENA ON THE FEDERAL RESERVE BANK OF NEW YORK has been served by EMAIL upon the following:

Board of Governors of the Federal Reserve System & Timothy F. Geithner, in his official capacity as the Secretary of the U.S. Treasury.

LAW OFFICES OF DAVID YERUSHALMI, P.C.

/s/ David Yerushalmi

David Yerushalmi, Esq.

(Ariz. Bar No. 009616; DC Bar No. 978179; Cal. Bar No. 132011;
NY Bar No. 756206)

UNITED STATES DISTRICT COURT
for the
Southern District of New York

Kevin J. Murray

Plaintiff

v.

Timothy F. Geithner, in his official capacity, et al.

Defendant

Civil Action No. 08-cv-15147

(If the action is pending in another district, state where:
Eastern District of Michigan)

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Federal Reserve Bank of New York
33 Liberty Street, New York, NY 10038

Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization that is not a party in this case, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

See Attachment I.

Table with 2 columns: Place (126 E. 56th Street, Tower 56, 5th Floor, New York, NY 10022) and Date and Time (03/09/2010 9:00 am)

The deposition will be recorded by this method: transcription and video/audio

Production: You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

See Attachment II.

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 02/10/2010

CLERK OF COURT

OR

Handwritten signature of attorney

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Kevin J. Murray (plaintiff), who issues or requests this subpoena, are: David Yerushalmi, Esq., Law Offices of David Yerushalmi, P.C., 640 Eastern Parkway, Suite 4C, Brooklyn, New York 11213, tel: 646-262-0500; email: david.yerushalmi@verizon.net

Civil Action No. 08-cv-15147

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I served the subpoena by delivering a copy to the named individual as follows: _____

_____ on *(date)* _____ ; or

I returned the subpoena unexecuted because: _____
_____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

(c) Protecting a Person Subject to a Subpoena.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney’s fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party’s officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party’s officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert’s opinion or information that does not describe specific occurrences in dispute and results from the expert’s study that was not requested by a party; or

(iii) a person who is neither a party nor a party’s officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information.

These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty’s failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

Attachment I
To
Subpoena Served on Federal Reserve Bank of New York

PLEASE TAKE NOTICE that pursuant to Rules 45 and 30(b)(6) of the Federal Rules of Civil Procedure, Plaintiff will take the deposition upon oral examination of the Federal Reserve Bank of New York (hereinafter “FRBNY”) before an officer authorized to administer oaths at the date, time, and location set forth in the subpoena or at a mutually agreeable time and place. Said deposition(s) will be recorded by stenographic and/or audiovisual (video) means and will continue until adjourned. This examination(s) will be subject to further continuance from time to time and place to place until completed.

Plaintiff hereby requests that the FRBNY designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf as to the following matters:

1. The decision(s) to provide government financing to and otherwise bailout American International Group, Inc. (hereinafter “AIG”) and how the financing bailout was structured.

a. This matter specifically includes decisions regarding how and why the original financing provided by the government was funds provided by the FRBNY in the form of a credit facility;

b. This matter specifically includes the decision by the Fed to authorize the FRBNY to loan \$85 billion to AIG pursuant to Section 13(3) of the Federal Reserve Act (12 U.S.C. § 343);

c. This matter specifically includes decisions requiring AIG to grant the FRBNY a pledge on assets and to transfer to the AIG Credit Facility Trust (hereinafter “Trust”) Series C preferred shares, which provided the Trust, *inter alia*, 79.9% (later reduced to 77.9%) of any dividend payments by AIG and of any aggregate voting rights of AIG common stock;

d. This matter specifically includes the decision to establish the Trust on behalf of the U.S. Treasury and to include section 1.03 in the AIG Credit Facility Trust Agreement granting the Board of Governors of the Federal Reserve System authority to terminate the Trust or amend its terms;

e. This matter specifically includes all subsequent decisions regarding the structuring of the government financing and bailout of AIG, including the decisions about when, how, and why to use (1) funds authorized by the Emergency Economic Stabilization Act of 2008, 12 U.S.C. § 5201 et seq. (hereinafter “EESA”); (2) funds not authorized by EESA, but otherwise under the control or authority of the U.S. Treasury and/or Treasury Department; (3) funds under the control or authority of the Federal Reserve Board; (4) funds under the control or authority of the FRBNY; and/or (5) any other funds under the control or authority of any other entity or agency subject to the direction and/or control of the U.S. Treasury and/or Treasury Department, the Federal Reserve Board, and/or the FRBNY.

f. This matter specifically includes the actual and permissible use(s) of funds from any government source (including the FRBNY) by AIG.

2. The information made available to the Office of the Special Inspector General for the Troubled Asset Relief Program (hereinafter “SIGTARP”) established by

EESA, including information and communications to and from SIGTARP regarding the actual and permissible use(s) of funds from any government source (including the FRBNY) by AIG.

3. The facts, including communications, related to the FRBNY's knowledge of and/or information about Islamic law (i.e., Shariah), Shariah-compliant financial products, the Shariah obligation of jihad (i.e., kinetic war and/or terrorism), the Shariah obligation of dawa (i.e., the effort to both convert non-Muslims to adherence to Shariah and/or the effort to convert all political systems or political orders to Shariah-adherent political systems), and the use of Muslim charitable donations by individuals and/or Islamic and/or Shariah-compliant financial institutions to support jihad and/or dawa, including the use of donations by certain Muslim charitable organizations to support terrorist activity.

You are invited to attend and cross-examine the witness(es).

Attachment II
To
Subpoena Served on Federal Reserve Bank of New York

INSTRUCTIONS

1. In responding to the subpoena served on you (or your organization) requesting production of documents, furnish all documents, however obtained, that are available to or in possession or control of yourself, your agents, and your attorneys.

2. Please produce documents in a reasonably useable form.

3. Identify any documents responsive to this request that have been destroyed and state the circumstances of their destruction.

4. If you cannot respond to this request in full after exercising due diligence to secure the documents, so state and respond to the extent possible, specifying your inability to provide the remaining documents, stating whatever information or knowledge you have concerning the remaining documents, and detailing what you did in attempting to secure the documents.

5. If you object to a request on the grounds of privilege or work product, provide documents or portions of documents with such non-privileged information as is responsive, identify the nature of the information withheld as privileged, and specify the basis for your claim of privilege. List all documents or other information withheld pursuant to the claim of privilege, provide a general description of the information withheld pursuant to the claim of privilege, and identify the specific privilege(s) which provide(s) the basis for nondisclosure of each piece of responsive information.

6. This request shall be deemed to be continuing until and during the course of trial. Information sought by these requests and that you obtain after you respond to these requests must be disclosed to Plaintiff by supplementary responses.

DEFINITIONS

1. The terms “you,” “yourself,” or “your,” as used herein, refer to you, the Federal Reserve Bank of New York (“FRBNY”), all departments, offices, and agencies of the FRBNY, including but not limited to employees of the FRBNY, your attorneys, and any person acting expressly as your agent, trustee, or representative in any capacity that would give rise to possession of the documents identified by this request, including but not limited to the trustees named under the AIG Credit Facility Trust Agreement dated January 16, 2009.

2. The term “document,” as used herein, is synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34(a), including, without limitation, electronic or computerized data compilations and photographs. A draft or non-identical copy is a separate document within the meaning of this term.

3. The words “and” and “or,” as used herein, shall be construed either conjunctively or disjunctively, as required by the context, to bring within the scope of these requests any information that might be deemed outside their scope by any other construction.

4. As used herein, the terms “any” and “all” shall both mean “any and all” as appropriate to bring within the scope of these discovery requests information and documents that might otherwise be considered to be beyond the scope.

5. The following grammatical considerations shall be applicable in reading and responding to the following requests:

- a. the singular form of a noun or pronoun shall be considered to include within its meaning the plural form of the noun or pronoun so used, and vice versa;
- b. the use of the masculine form of a pronoun shall also be considered to include within its meaning the feminine form of the pronoun so used, and vice versa; and
- c. the use of any tense of any verb shall also be considered to include within its meaning all other tenses of the verb so used, and the disjunctive includes the conjunctive, and vice versa.

6. As used herein, the term “correspondence” includes all letters, e-mail, telegrams, notices, messages, or other written communications or memoranda, or other records of conversations, meetings, conferences, or other oral communications.

7. As used herein, the term “relating to” means and includes “constituting,” “referring to,” “pertaining to,” “evidencing,” “reflecting,” “describing,” or “has anything to do with,” and in each instance, directly or indirectly. These terms mean, without limitation, any reference or relationship that either (1) provides information with respect to the subject of inquiry, or (2) might lead to individuals who or documents that might possess or contain information with respect to the subject of inquiry. Additionally, the terms “pertaining to,” “relating to,” “related,” “related to,” “relates to,” “regarding,” “referring to,” or “concerning” are used in the broadest sense to mean in any way, whether directly or indirectly, involving, concerning, relating to, referring to, being

appropriate for, considering, underlying, modifying, amending, confirming, endorsing, evidencing, representing, supporting, qualifying, terminating, revoking, canceling, or negating.

8. The terms “plaintiff” and “defendant(s),” as used herein, as well as a party’s full or abbreviated name or a pronoun referring to a party means the party and, where applicable, its officers, board members, directors, employees, partners, corporate parent, subsidiaries, or affiliates. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.

9. The term “Shariah” as used herein is Islamic law as defined as follows:

Shariah, while often referred to as Islamic law, is considered by Islamic religious authorities to be the divine law of Allah which is articulated directly to man through the *Quran* and indirectly through the canonical stories of Mohammed’s life as told through the *Sunna*. AIG describes “Sharia” as “Islamic law based on Quran and the teachings of the Prophet (PBUH).” The “teachings of the Prophet” are a reference to the canonized *Sunna*.

10. The terms “Shariah-compliant finance” and “Islamic finance” are synonymous and shall mean the conducting of commerce, finance, insurance, and investing pursuant to the laws, rules, norms, customs, and practices derived from Shariah. The term “takaful” shall mean Shariah-compliant insurance.

11. The term “Act” shall mean the Emergency Economic Stabilization Act of 2008 (12 U.S.C. § 5201 et seq.).

12. The term “TARP” shall mean the Trouble Asset Relief Program authorized by the Act.

13. The term “Section 343” shall mean Section 13(3) of the Federal Reserve Act as codified in Section 13 of the Federal Reserve Act, 12 U.S.C. § 343.

14. As used herein, “AIG” refers to American International Group, Inc., and any wholly- or partially-owned subsidiary and their respective officers, directors, agents, representatives, and officials.

15. The term “Treasury” shall mean the Treasury and the U.S. Department of Treasury, including all of its departments, offices, agencies, and its employees, agents, representatives, and trustees.

PRODUCTION REQUESTS

1. A copy of any and all documents and communications, including e-mails and other digital information/computer-based information and/or correspondence, relating to and/or referencing in any way Islam, Shariah, Shariah-compliant finance, and/or takaful.

Response to Request No. 1:

2. A copy of any and all documents and communications, including e-mails and other digital information/computer-based information and/or correspondence, relating to and/or referencing in any way Shariah scholars and/or Shariah authorities and/or Shariah experts.

Response to Request No. 2:

3. A copy of any and all documents and communications, including e-mails and other digital information/computer-based information and/or correspondence, relating to and/or referencing in any way the distribution of funds from the Federal Reserve System and/or the FRBNY by grant, investment, and/or loan to AIG.

Response to Request No. 3:

4. A copy of any and all documents and communications, including e-mails and other digital information/computer-based information and/or correspondence, relating to and/or referencing in any way the distribution of funds from the Federal Reserve System and/or the FRBNY to AIG and/or any individual, partnership, or corporation pursuant to Section 343.

Response to Request No. 4:

5. A copy of any and all documents and communications, including e-mails and other digital information/computer-based information and/or correspondence, relating to and/or referencing in any way the distribution of funds from the Treasury by grant, investment, and/or loan to AIG.

Response to Request No. 5:

6. A copy of any and all documents and communications, including e-mails and other digital information/computer-based information and/or correspondence, relating to and/or referencing in any way the distribution of funds from the U.S. government pursuant to TARP to AIG.

Response to Request No. 6:

7. A copy of any and all documents and communications, including e-mails and other digital information/computer-based information and/or correspondence,

relating to and/or referencing in any way the use and/or distribution by AIG of any funds provided to AIG from the Treasury, the Federal Reserve System, and/or the FRBNY, including but not limited to, documents and communications which would indicate into which AIG accounts these funds were deposited and/or credited, how these funds were subsequently distributed within AIG and/or among AIG accounts and/or subsidiaries, and to which people and/or entities not associated or affiliated with AIG these funds were ultimately distributed.

Response to Request No. 7:

8. A copy of any and all documents and communications, including e-mails and other digital information/computer-based information and/or correspondence, relating to and/or referencing in any way the following:

- (1) Frank Vogel, Islamic Finance Project, Harvard Law School;
- (2) Samuel Hayes, Islamic Finance Project, Harvard Business School;
- (3) Mahmoud El-Gamal, former Scholar-in-Residence, U.S. Department of Treasury, advisor in Islamic affairs;
- (4) Yusuf Talal DeLorenzo;
- (5) Michael McMillen;
- (6) Rushdi Siddiqui, Dow Jones Islamic Index;
- (7) David Loundy, Shariah Finance 101, VP and Corporate Counsel, Devon Bank;
- (8) Dr. Mohammed Ali Elgari, Shariah Supervisory Committee, AIG;

- (9) Dr. Muhammed Inram Ashraf Usmani, Shariah Supervisory Committee, AIG;
- (10) Sheikh Nizam Yaquby, Shariah Supervisory Committee, AIG;
- (11) Mufti Muhammad Taqi Usmani, Shariah authority;
- (12) Jill M. Considine, Trustee under the AIG Credit Facility Trust Agreement dated January 16, 2009;
- (13) Chester B. Feldberg, Trustee under the AIG Credit Facility Trust Agreement dated January 16, 2009;
- (14) Douglas L. Foshee, Trustee under the AIG Credit Facility Trust Agreement dated January 16, 2009;
- (15) Yusuf al-Qaradawi;
- (16) Devon Bank located at 6445 N. Western Avenue, Chicago, IL 60645-5464; and
- (17) University Bank, Ann Arbor, Michigan, including but not limited to the Cease and Desist Order, FDIC-08-194b.

Response to Request No. 8:

9. A copy of any and all documents and communications, including e-mails and other digital information/computer-based information and/or correspondence, relating to and/or referencing in any way the use of domestic or foreign 'zakat' or charitable donations being used to finance directly or indirectly terrorism or terrorist organizations.

Response to Request No. 9:

10. A copy of any and all documents and communications, including e-mails and other digital information/computer-based information and/or correspondence, relating to and/or referencing in any way the use of domestic or foreign bank and/or financial institutional accounts or money transfers to finance or to provide assistance to, directly or indirectly, terrorism or terrorist organizations.

Response to Request No. 10: