

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

Anees Khan v. K1 Investment Management LLC; Trackforce, Inc.

No. 2:24-cv-07860 (JMW) (E.D.N.Y. Dec. 9, 2025) · No. 2:24-cv-07860 (JMW) · Decided December 9, 2025

SUMMARY

The United States District Court for the Eastern District of New York grants Defendants’ motion for a protective order barring, without prejudice, the depositions of former Trackforce executives Trevor Campion and Jeff Mills. The court concludes that Plaintiff has not shown that either proposed apex witness has sufficiently specific or unique knowledge of the disputed commission claims or counterclaims, and that other discovery sources remain available. The court permits Plaintiff to seek reconsideration if later discovery establishes that either witness is a material percipient witness.

CASE DETAILS

COURT	United States District Court for the Eastern District of New York
WRITING FOR THE COURT	James M. Wicks
JURISDICTION	United States District Court for the Eastern District of New York
DECIDED	December 9, 2025
DOCKET	2:24-cv-07860 (JMW)
DISPOSITION	other
PROCEDURAL POSTURE	Defendants and nonparty former executives moved for a protective order under Federal Rule of Civil Procedure 26(c) precluding Plaintiff from deposing the former executives as apex witnesses. Plaintiff opposed the motion.
STANDARD OF REVIEW	A protective order under Rule 26(c) requires good cause shown through particular and specific facts rather than conclusory assertions. If good cause is established, the court balances the competing interests, including the need for relevant discovery against annoyance, oppression, undue burden, expense, harassment, and business disruption.
PRECEDENTIAL VALUE	Unknown; memorandum and order from a federal district court, with no reporter citation or precedential-status determination stated.
PARTIES	K1 Investment Management LLC, Trackforce, Inc. v. Anees Khan

TOPICS

discovery dispute

civil procedure

breach of contract

employment law

commercial litigation

PRACTICE AREAS

civil procedure

discovery

employment law

contracts

commercial litigation

QUESTIONS PRESENTED

1. Whether Defendants established good cause for a protective order precluding depositions of former high-ranking corporate officers who were not shown to have unique, personal knowledge of the claims, defenses, or counterclaims.
2. Whether the requested apex depositions should be deferred because the information sought could be obtained from other witnesses and party depositions had not been completed.

HOLDINGS

1. The court granted a protective order precluding the depositions of Campion and Mills at that stage of discovery because Plaintiff failed to show through specific evidence that either former executive possessed relevant, unique, personal knowledge sufficient to require their depositions.
2. The court held that the requested nonparty depositions should not proceed at that time because party depositions and other discovery had not been completed and could clarify whether Campion or Mills had relevant knowledge.

KEY QUOTATIONS

“Highly-placed executives are not immune from discovery.” (Discussion)

“At bottom, party depositions should be completed before proceeding to depositions of non-parties.”
(Discussion)

“For the reasons stated above, Defendants’ motion for a protective order (ECF No. 48) is GRANTED without prejudice to Plaintiff’s right to move for reconsideration after party depositions have been completed if those depositions or other evidence can connect Mills or Campion to the claims, defenses, or counterclaims.”
(Conclusion)

FACTUAL BACKGROUND

Khan alleged that Trackforce unilaterally changed his commission plan on August 5, 2024, failed to pay commissions, and terminated him on September 5, 2024 after he complained about the nonpayment. Campion, Trackforce's former CEO, left the company in May 2024, and Mills, its former CRO, left in April 2024, before the disputed events. Khan sought their depositions based on generalized assertions that they possessed information concerning commission schedules, his performance, stock awards, and alleged side deals, but he identified no specific communications, documents, or interactions tying either executive to the conduct at issue. Other witnesses, including Trackforce's current CRO and former employees, had already been or were being deposed.

PROCEDURAL HISTORY

Khan brought an action concerning allegedly unpaid commissions and asserted breach-of-contract, fraud, conspiracy, unjust-enrichment, implied-covenant, and labor-law claims. Near the end of discovery, Defendants sought to prevent depositions of former Trackforce executives Trevor Campion and Jeff Mills. The court granted the protective-order motion without prejudice to a later motion for reconsideration if subsequent discovery established that either executive was a material percipient witness.

DISPOSITION

other

CASES CITED

- C.K. through P.K. v. McDonald, 345 F.R.D. 262, 268 (E.D.N.Y. 2023)
- Gordon v. Target Corp., 318 F.R.D. 242, 246 (E.D.N.Y. 2016)
- Rofail v. United States, 227 F.R.D. 53, 54-55 (E.D.N.Y. 2005)
- Fowler-Washington v. City of New York, 2020 WL 5893817, at *3 (E.D.N.Y. Oct. 5, 2020)
- Hallmark Licensing LLC v. Dickens Inc., 2018 WL 6573435, at *4-*5 (E.D.N.Y. Dec. 13, 2018)
- Chevron Corp., 2012 WL 1896932, at *1
- Markowitz v. Precipart Corp., 2022 WL 1508638, at *2 (E.D.N.Y. Apr. 15, 2022)
- Ayrton Capital LLC v. Bitdeer Techs. Grp., 2025 WL 1745680, at *2 (S.D.N.Y. June 24, 2025)
- Khan v. City of New York City, 757 F. Supp. 3d 327, 339 (E.D.N.Y. 2024)
- Shiber v. Centerview Partners LLC, 2023 WL 3071554, at *3 (S.D.N.Y. Apr. 25, 2023)
- Oakley v. MSG Networks, Inc., 2024 WL 4859024, at *3 (S.D.N.Y. Nov. 21, 2024)
- Felder v. Warner Bros. Discovery, Inc., 2025 WL 1718098, at *20 (S.D.N.Y. June 20, 2025)
- Scott v. Chipotle Mexican Grill, Inc., 306 F.R.D. 120, 123 (S.D.N.Y. 2015)
- Harapeti v. CBS Television Stations Inc., 2021 WL 3932424, at *2 (S.D.N.Y. Sept. 2, 2021)
- Mark Anthony International SRL v. Prime Hydration, LLC, 2025 WL 2055998, at *3 (S.D.N.Y. July 23, 2025)
- Bonano v. Tillinghast, 2021 WL 1117027, at *2 (W.D.N.Y. Mar. 24, 2021)
- Delgado v. Trump, 2024 WL 1604260, at *2 (S.D.N.Y. Apr. 11, 2024)