

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Securities and Exchange Commission v. Prakash

Prakash · No. 23-cv-03300-BLF (SVK) · Decided March 12, 2025

SUMMARY

The court denied non-party Amar Shah’s motion to quash a deposition subpoena or obtain a protective order in the SEC’s action against former View, Inc. CFO Vidul Prakash. The court held that Shah’s claimed lack of relevant knowledge, the documents he had produced, and the availability of another potential witness did not establish undue burden or justify prohibiting the deposition. The court also declined to shift deposition costs and ordered specified docket entries unsealed, subject to redactions.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Susan van Keulen
JURISDICTION	United States District Court for the Northern District of California
DECIDED	March 12, 2025
DOCKET	23-cv-03300-BLF (SVK)
DISPOSITION	other
PROCEDURAL POSTURE	Nonparty Amar Shah moved to quash a deposition subpoena or obtain a protective order, and alternatively sought shifting of his deposition-attendance costs. The court also resolved a related motion to seal documents filed in connection with the discovery motion.
STANDARD OF REVIEW	The court applied the Federal Rules of Civil Procedure governing subpoenas, protective orders, and discovery limits, including the principle that a party seeking to prevent a deposition bears a heavy burden and that prohibiting a deposition altogether is unusual absent extraordinary circumstances.
PRECEDENTIAL VALUE	unknown

TOPICS

- discovery dispute
- civil procedure
- commercial litigation

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should quash or prohibit a deposition subpoena to a nonparty who claimed lack of relevant knowledge.
2. Whether the deposition should be barred as irrelevant, cumulative, or unnecessarily burdensome because the nonparty had produced documents or another witness might have more direct knowledge.
3. Whether the court should shift the nonparty's deposition-attendance costs or sanction the subpoenaing party under Federal Rule of Civil Procedure 45(d)(1).
4. Whether specified documents filed in connection with the discovery motion should remain sealed.

HOLDINGS

1. A nonparty's self-serving assertion that he lacks relevant knowledge, standing alone, is insufficient to prevent a deposition, particularly where documentary evidence indicates that he may possess relevant information.
2. The discovery sought from Shah fell within the broad scope of discovery because Effectus advised View on the warranty-liability issue and Shah was involved in related communications and work.
3. A deposition is not unreasonably cumulative merely because the witness has produced documents, because the deposition may provide clarification and context concerning those documents.
4. Discovery need not be limited in favor of another witness unless the moving party demonstrates that the alternative source is more convenient, less burdensome, or less expensive.
5. Shah was not entitled to shift his deposition-attendance costs or obtain sanctions because Federal Rule of Civil Procedure 45(d)(2)(B)(ii) addresses document subpoenas, and the deposition subpoena was not shown to have been improperly served under Rule 45(d)(1).

KEY QUOTATIONS

"Because Mr. Shah fails to satisfy his evidentiary burden, the Court DENIES the Motion."

"Ultimately, 'it is very unusual for a court to prohibit the taking of a deposition altogether absent extraordinary circumstances.'"

"But a 'claimed lack of knowledge, by itself, is insufficient to preclude a deposition.'"

"Thus, the Court will neither shift fees nor sanction Defendant under Rule 45."

FACTUAL BACKGROUND

The SEC alleges that View, Inc. disseminated false and misleading statements by omitting accruals for certain warranty liabilities from its public filings, and that former CFO Vidul Prakash participated in approving those filings. View retained Effectus Group, LLC for accounting advice, and Amar Shah, then an Effectus director, worked on several accounting projects. Although Shah declared that he did no substantive work on the warranty-liability issue and lacked relevant knowledge, he acknowledged being copied on correspondence and meeting

invitations concerning the issue. Prakash therefore served Shah with document and deposition subpoenas, and documentary evidence suggested that Shah possessed at least some knowledge of Effectus's work.

PROCEDURAL HISTORY

The SEC sued Vidul Prakash, View, Inc.'s former CFO, concerning allegedly false and misleading public filings involving warranty liabilities. Prakash served document and deposition subpoenas on nonparty Amar Shah, an Effectus Group director involved in accounting projects for View. Shah produced documents and moved to quash the deposition subpoena or obtain a protective order. The court denied the motion, declined to shift costs or impose sanctions, and ordered specified docket entries unsealed while allowing other entries to remain sealed.

DISPOSITION

other

CASES CITED

- In re Google Litig., No. 08-cv-03172-RMW, 2011 WL 4985279, at *2 (N.D. Cal. Oct. 19, 2011)
- Free Stream Media Corp. v. Alphonso Inc., No. 17-cv-02017-RS, 2017 WL 6209309, at *3 (N.D. Cal. Dec. 8, 2017)
- Fausto v. Credigy Servs. Corp., 251 F.R.D. 436, 437 (N.D. Cal. 2008)
- Apple Inc. v. Samsung Elecs. Co., 282 F.R.D. 259, 263 (N.D. Cal. 2012)
- Surfvivor Media, Inc. v. Survivor Prods., 406 F.3d 625, 635 (9th Cir. 2005)
- FTC v. Kroger Co., No. 24-cv-00347-AN, 2024 WL 3400098, at *4 (D. Or. July 12, 2024)
- Legal Voice v. Stormans Inc., 738 F.3d 1178, 1185 (9th Cir. 2013)
- Dick Corp. v. SNC-Lavalin Constructors, Inc., No. 06-cv-00715-MJB, 2006 WL 8454968, at *3 (W.D. Wash. Oct. 2, 2006)
- Ctr. for Auto Safety v. Chrysler Grp., LLC, 809 F.3d 1092