

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

IFTIKAR AHMED,

Defendant, and

Civil No. 3:15cv675 (JBA)

July 13, 2017

IFTIKAR ALI AHMED SOLE PROP; I-CUBED
DOMAINS, LLC; SHALINI AHMED; SHALINI
AHMED 2014 GRANTOR RETAINED ANNUITY
TRUST; DIYA HOLDINGS LLC; DIYA REAL
HOLDINGS, LLC; I.I. 1, a minor child, by and through
his next friends IFTIKAR and SHALINI AHMED, his
parents; I.I. 2, a minor child, by and through his next
friends IFTIKAR and SHALINI AHMED, his parents;
and I.I. 3, a minor child, by and through his next
friends IFTIKAR and SHALINI AHMED, his parents,

Relief Defendants.

**ORDER DENYING DEFENDANT’S MOTION TO SANCTION THE SEC AND OAK FOR
CONTEMPT OF THE COURT’S ORDER**

In this civil enforcement action brought by the Securities and Exchange Commission (the “SEC”), Defendant Iftikar Ahmed (“Mr. Ahmed”) moves [Doc. # 528] this Court for an order sanctioning the SEC and non-party Oak for purported contempt of this Court’s April 7, 2017 Order [Doc. # 515]. Both the SEC and non-party Oak oppose this Motion. (See Pl.’s Opp’n [Doc.

558]; Oak's Opp'n [Doc. # 557].)¹ The parties' familiarity with the underlying facts of the case is presumed. For the reasons that follow, Defendant's Motion is denied.

I. Discussion

The Court's April 7, 2017 Order stated: "[s]ince it is unlikely that the entire [Ms. Ames deposition] transcript contents are actually confidential, Plaintiff's counsel shall confer and designate any portions which are not properly deemed confidential and those portions shall be provided to Defendant." (Endorsement Order on Defendant's Motion to be Allowed Access to Two Deposition Transcripts of Oak Representative [Doc. # 515] at 3.) The SEC maintains that it "conferred with Oak's Counsel as to which portions of the deposition transcript should be designated as confidential (as opposed to the entire transcript). Once the SEC received Oak's designations, the SEC redacted the deposition transcript consistent with those designations and provided the redacted transcript to Defendant." (Pl.'s Opp'n at 2.)

Defendant's Motion claims the SEC and Oak, in redacting over 96% of the content of the transcript they provided him, violated this Court's order, and that they should be sanctioned

¹ Oak maintains that because Defendant failed to serve his Motion on Oak, it is procedurally improper under Fed. R. Civ. P. 5(a)(1)(D). Rule 5 states that "the following papers must be served on every party," including "written motion[s]." *Id.* (emphasis added). Oak does not explain how this Rule is applicable to Oak as a nonparty. Oak further contends that the Motion is improper because Mr. Ahmed did not abide by the terms of the Stipulated Protective Order [Doc. # 321], which prescribes a specific process that a party is to follow to challenge a confidentiality designation, including, in particular, an obligation to meet and confer over any challenged designation. (See Protective Order [Doc. # 321] § C.) However, Oak's argument is misplaced because Defendant has never been privy to the transcript to enable him to meaningfully challenge the designation.

