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UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

MICHAEL W. PERRY and A. SCOTT KEYS,

Defendants.

Case No. CV-11-1309 R JC(x)

DECLARATION OF NISHCHAY H. MASKAY IN SUPPORT OF DEFENDANT MICHAEL W. PERRY'S MOTION FOR PARTIAL SUMMARY JUDGMENT CONCERNING PLAINTIFF'S RISK- WEIGHTING AND SECTION 17(a)(2) CLAIMS

Date: July 16, 2012
Time: 10:00 a.m.
Judge: Honorable Manuel L. Real
Courtroom: No. 8

I, Nishchay H. Maskay, declare as follows:

1. I am an attorney at the law firm of Covington & Burling LLP and represent defendant Michael W. Perry in the above-captioned matter. The facts set forth herein are based on my personal knowledge and if called as a witness I could competently testify thereto.

2. Attached hereto as **Exhibit A** is a true and correct copy of an excerpt of the transcript of the deposition testimony of Christina Hunt-Fuhr in the above-captioned matter on March 8, 2012. Relevant portions are highlighted.

3. Attached hereto as **Exhibit B** is a true and correct copy of Section 640 of the Office of Thrift Supervision's Applications Handbook, dated April 2001. Relevant portions are highlighted.

4. Attached hereto as **Exhibit C** is a true and correct copy of an Office of Thrift Supervision Fact Sheet entitled "OTS Fact Sheet on IndyMac Bank" dated July 11, 2008, which has been designated as Trial Exhibit 1233. Relevant portions are highlighted.

Pursuant to 28 U.S.C. § 1746 and under penalty of perjury under the laws of the United States of America, I affirm that the foregoing facts are true and correct to the best of my knowledge and belief.

Executed this 2nd day of July, 2012, in Washington, District of Columbia.

/s/ Nishchay H. Maskay
Nishchay H. Maskay