

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE BANK OF AMERICA HOME
AFFORDABLE MODIFICATION
PROGRAM (HAMP) CONTRACT
LITIGATION

MDL No. 2193

Centralized before the
Honorable Rya W. Zobel

This Document Relates To:

ALL ACTIONS

PLAINTIFFS' MOTION TO COMPEL DISCOVERY

Plaintiffs respectfully move the Court pursuant to Federal Rules of Civil Procedure 37(a), 34(b), and Local Rule 37.1(b)(III), for entry of an order compelling the Defendants, Bank of America, N.A. and BAC Home Loans Servicing, LP, (collectively, "BOA") to produce documents relevant to class certification and to Plaintiffs' claims in this case. The documents Plaintiffs seek include materials this Court previously ordered BOA to produce, but which still have not been fully produced.

In support of this Motion, Plaintiffs rely on their contemporaneously submitted memorandum in support and the Declaration of Tyler Weaver and the exhibits attached thereto (Exhibits 10-13 to be filed under seal pending Court approval). Plaintiffs also state that the parties have engaged in a series of discovery conferences required by Local Rule 37.1, but were unable to reach an agreement as to the items Plaintiffs seek to compel.

Specifically, the parties have reached an impasse on the following document requests:

(1) Electronic documents, including email, based on a targeted search for relevant electronic documents, which BOA still refuses to even perform in this case; (2) Data BOA has withheld

that is necessary to complete the dataset that BOA provided to the Treasury Department as produced in response to the Court's ruling of last February; and (3) Specific data and documents for a randomly selected sample of borrower account files, which the Court compelled last February.

WHEREFORE, Plaintiffs respectfully request that the Court grant this Motion and compel BOA to produce the documents described herein.

Dated: July 23, 2012

Respectfully Submitted,

/s/ Steve W. Berman

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LOCAL RULE 7.1 CERTIFICATE

I certify pursuant to Local Rule 7.1(a)(2) that on July 23, 2012, the moving party has conferred in good faith with defense counsel on the matters set forth herein and has been informed that Defendants oppose the relief sought herein.

/s/ Steve W. Berman
Hagens Berman Sobol Shapiro LLP

LOCAL RULE 37.1 CERTIFICATE

I certify pursuant to Local Rule 37.1(b) that the provisions of Local Rule 37.1 have been complied with, as set forth in Plaintiffs' Memorandum In Support Of Motion To Compel Discovery, contemporaneously submitted.

/s/ Steve W. Berman
Hagens Berman Sobol Shapiro LLP

CERTIFICATE OF SERVICE

I hereby certify that on July 23, 2012, a true and correct copy of this document was filed electronically. Notice of this filing will be sent by electronic mail to all counsel of record by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Steve W. Berman
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