

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 FOR LEAVE TO FILE REPLY IN
SUPPORT OF MOTION TO COMPEL DISCOVERY**

Plaintiffs hereby move this Court for leave to file a Reply in support of their Motion to Compel Discovery (Dkt. No. 126). Plaintiffs propose to submit a 10-page Reply and the Reply Declaration of Tyler Weaver in response to the Opposition of Defendant Bank of America, N.A. (Docket No. 137). The proposed Reply and Weaver Reply Declaration are attached hereto as Exhibits 1 and 2. For the reasons stated below, this Motion should be granted.

1. Plaintiffs filed the Motion to Compel Discovery on July 23, 2012.
2. After being granted an extension, Defendant filed its Opposition to the Motion on August 20, 2012.
3. Plaintiffs believe that because Defendants made several arguments in their opposition that Plaintiffs could not anticipate, the Court would be assisted in its consideration by a brief rebuttal of some of the points. This includes addressing new factual representations, and pointing out that one of the three main issues now appears to be moot.

4. Plaintiffs now seek leave of the Court under Local R. Civ. P. 7.1(B)(3) to address these issues.

5. Defendant will not be prejudiced by the relief sought by this motion.

6. Defendant does not oppose this motion.

WHEREFORE, for the foregoing reasons, Plaintiffs respectfully request the Court allow leave to file the attached proposed Reply and Weaver Reply Declaration.

Dated: August 27, 2012

Respectfully Submitted,

/s/ Steve W. Berman

Hagens Berman Sobol Shapiro LLP

Steve W. Berman

Ari Y. Brown

Tyler S. Weaver

1918 8th Avenue, Suite 3300

Seattle, WA 98101

206.623.7292 (p)

206.623.0594 (f)

steve@hbsslaw.com

ari@hbsslaw.com

tyler@hbsslaw.com

/s/ Gary Klein

Roddy Klein & Ryan

Gary Klein (BBO 560769)

Shennan Kavanagh (BBO 655174)

Kevin Costello (BBO 669100)

727 Atlantic Avenue, 2nd Floor

Boston, MA 02111

617.357.5500 (p)

617.357.5030 (f)

klein@rododykleinryan.com

kavanagh@rododykleinryan.com

costello@rododykleinryan.com

Interim Co-Lead Counsel

LOCAL RULE 7.1 CERTIFICATE

I certify pursuant to Local Rule 7.1 that on August 27, 2012, counsel for all parties have conferred and counsel for Defendants do not oppose the relief sought in this motion.

/s/ Steve W. Berman

Hagens Berman Sobol Shapiro LLP

CERTIFICATE OF SERVICE

I hereby certify that on August 27, 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

Hagens Berman Sobol Shapiro LLP