

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

<p><b>IN RE BANK OF AMERICA HOME AFFORDABLE MODIFICATION PROGRAM (HAMP) CONTRACT LITIGATION</b></p>	<p><b>MDL NO. 2193</b></p> <p><u>Centralized before the Honorable Rya W. Zobel</u></p>
<p><b>This Document Relates To: All Actions</b></p>	

**PLAINTIFFS’ MOTION TO COMPEL**

Plaintiffs respectfully move the Court pursuant to Federal Rules of Civil Procedure 37(a) and 30, and Local Rule 37.1, for entry of an Order compelling Bank of America, N.A. (“Defendant” or the “Bank”) to produce a Fed. R. Civ. P. 30(b)(6) witness regarding the Bank’s reporting of HAMP-related information to the United States Treasury Department pursuant to the supplemental notice of deposition dated October 15, 2012 and attached as Exhibit 4a to the Declaration of Kevin Costello in Support of Plaintiffs’ Motion to Compel (“Costello Declaration”), filed contemporaneously herewith.

In support of this Motion, Plaintiffs rely on their memorandum in support of Plaintiffs’ motion to compel, which is also filed contemporaneously herewith, as well as on the Costello Declaration and its accompanying Exhibits.

WHEREFORE, Plaintiffs respectfully request that the Court grant this Motion and compel Defendant to produce a Fed. R. Civ. P. 30(b)(6) witness regarding the Bank’s reporting of HAMP-related information to the United States Treasury Department.

Dated: December 21, 2012

/s/ Kevin Costello

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**LOCAL RULE 7.1 CERTIFICATE**

I certify pursuant to Local Rule 7.1(a)(2) that the moving party has conferred in good faith with defense counsel as described in Plaintiffs' Memorandum In Support Of Motion To Compel (contemporaneously submitted) on the matters set forth herein and the moving party has been informed that Defendants oppose the relief sought herein.

/s/ Kevin Costello

Kevin Costello

**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, contemporaneously submitted.

*/s/ Kevin Costello*

Kevin Costello

**CERTIFICATE OF SERVICE**

I hereby certify that on December 21, 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/ Kevin Costello*

Kevin Costello