

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

M.D.L. NO. 10-02193-RWZ

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

SCHEDULING ORDER

January 28, 2013

ZOBEL, D.J.

The parties' Joint Status Report (Docket # 188) disclosed a few disputes concerning the substance and timing of discovery preparatory to class certification proceedings. After discussion with counsel, the court entered the following schedule:

**1. Class Certification**

Plaintiffs shall file any motion for class certification on or before June 7, 2013.

The motion and its ultimate disposition shall be based on the discovery record as of the date on which the motion is filed. The brief shall not exceed 25 pages.

Any opposition shall be filed on or before July 12, 2013, and shall not exceed 30 pages. Plaintiffs may file a reply brief on or before July 26, 2013, which shall not exceed 15 pages.

The hearing on class certification is scheduled for August 1, 2013, at 9:00 a.m. The parties shall advise the court by July 16, 2013, whether either will offer evidence and, if so, the approximate time required therefor.

**2. Email Discovery**

The parties have agreed that defendant shall produce emails of five custodians

who are in three different categories. The discovery shall proceed according to the following schedule:

As to two custodians whose emails defendant has already collected, the parties shall agree on search terms by January 25, 2013. Defendant shall make every effort to begin rolling production no later than February 15, 2013, and to complete the production by March 15, 2013.

As to two custodians whose emails have not been collected, defendant shall complete collection by March 29, 2013; rolling production shall begin by April 12, 2013, and shall be completed by May 17, 2013.

As to one custodian whose emails appear to be missing, defendant shall investigate the matter and report its findings to plaintiffs by January 25, 2013. Plaintiffs will then decide the course they wish to follow and counsel will advise the court if either party desires the court's intervention.

### **3. Expert Discovery**

The parties will work out expert disclosure deadlines.

### **4. Plaintiffs' Motion to Compel (Docket # 181)**

The court will decide the motion without a hearing.

January 28, 2013

DATE

/s/Rya W. Zobel

RYA W. ZOBEL

UNITED STATES DISTRICT JUDGE