

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

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

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 cooperate in certain protocol related to Electronically Stored Information ("ESI") discovery.

In support of this Motion, Plaintiffs rely on their contemporaneously submitted memorandum in support and the Declaration of Shennan Kavanagh with Exhibit 1 (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. Memorandum, pp. 2-3 (outlining discovery conferences).

Specifically, the parties have reached an impasse on the following document requests: (1) a statistically significant randomly selected sample of putative class members' files; (2) complaints, investigations and audits relating to BOA's implementation of HAMP and HAMP compliance-related documents; and (3) agreements with investors relating to modifying Plaintiffs' and class members' loans.

With respect to ESI discovery protocol, the parties have reached an impasse on the following issues: (1) that BOA provide comprehensive information concerning the fields contained in the databases it uses; and (2) that BOA engage in a cooperative process to determine the search terms it will use to search for electronic documents.

WHEREFORE, Plaintiffs respectfully request that the Court grant this Motion and compel BOA to produce the documents described herein, and to further engage in resolving open issues relating to ESI discovery protocol.

Dated: December 2, 2011

Respectfully Submitted,
On behalf of Plaintiffs,

/s/ Shennan Kavanagh

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LOCAL RULE 7.1 CERTIFICATE

I certify pursuant to Local Rule 7.1(a)(2) that on December 2, 2011, 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/ Shennan Kavanagh
Shennan Kavanagh

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/ Shennan Kavanagh
Shennan Kavanagh

CERTIFICATE OF SERVICE

I hereby certify that on December 2, 2011, 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/ Shennan Kavanagh
Shennan Kavanagh