

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE**

**IN RE: COUNTRYWIDE FINANCIAL CORPORATION
MORTGAGE LENDING PRACTICES LITIGATION**

**Master File No. 08-md-1974
MDL No. 1974**

**JUDGE HEYBURN
MAG. JUDGE WHALIN**

THIS DOCUMENT RELATES TO ALL CASES

ORDER FROM STATUS CONFERENCE

This matter came before the undersigned on April 27, 2009, for the purpose of conducting a status conference and discuss the pending motion to compel (DN#20).

APPEARANCES:

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| FOR THE PLAINTIFFS: | Mr. Gary Klein, Mr. Andrew S. Friedman, Mr. Ronald R. Parry, and Mr. D. Eric Lycan |
| FOR THE DEFENDANTS: | Mr. James W. McGarry, Mr. Thomas M. Hefferon, and Mr. Byron Leet |

The discussion focused upon Plaintiffs' motion to compel discovery of certain computer data and other information about Defendants' loan practices. The Court reviewed the statistical basis upon which Plaintiffs intend to prove their case and concluded to allow Plaintiffs' discovery of the data sought, but only for a two year period. The full data discovery was allowable even though some of the information would be equally relevant for merit issues. This is appropriate because the statistical analysis for class certification and for merit purposes is intertwined.

The Court allowed only two years of data discovery because it seemed questionable whether Plaintiffs could establish a continuing violation. Each of the acts of discrimination alleged appears to be separate acts. The Court's decision to limit discovery pertains to the discovery process only and is not a decision on the merits to disallow claims beyond two years. Defendants' responses to the New

York Attorney General's investigation were not required to be disclosed at this time. Defendants were required, however, to produce *in camera* the most recent six months of internal analysis of their lending practices. Finally, the Court allowed extensions of time on the class certification process as indicated in the revised order.

The Court being otherwise sufficiently advised;

IT IS HEREBY ORDERED that the motion to compel (DN#20) is **SUSTAINED**.

Defendants shall produce to the Court "in camera" the last six months of the relative time period as discussed during the conference on or before May 29, 2009. The motion for leave to file excess pages (DN#26) is also SUSTAINED.

IT IS FURTHER ORDERED that Defendants shall provide all data points as discussed. If any additional discovery related disputes arise, counsel are directed to jointly contact the Court's Deputy, Ms. Andrea Kash at 502-625-3538 or by email: andrea_r.kash@kywd.uscourts.gov to schedule a telephonic conference. Plaintiffs' counsel shall provide to Defendants' counsel a list of requested points, then Defendants shall produce the data **by June 30, 2009**. All rate sheets as discussed shall also be produced to Plaintiffs **by June 30, 2009**.

By agreement of counsel, the following deadlines shall be amended;

Non-Expert Discovery for Class: September 30, 2009

Opening Expert Witness on Class Issues: October 30, 2009

Rebuttal Expert Witness on Class Issues: December 15, 2009

Expert Discovery for Class: January 15, 2010

Motion for Class Certification: February 15, 2010

Responses to Motion for Class Certification: March 30, 2010

Replies to Motion for Class Certification: May 4, 2010

IT IS FURTHER ORDERED that this matter is scheduled for a **further status conference on July 27, 2009 at 2:00 p.m. prevailing Louisville time. Counsel shall appear in person or may contact the Court's Deputy to participate telephonically.**

Date:

Copies to:
Counsel of Record

Court Reporter: Alan Wernecke