

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

REGIONS BANK,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	CIVIL ACTION 08-0665-KD-M
	:	
W. CRAIG MATTER, et al.,	:	
	:	
Defendants.	:	

ORDER

After hearing from counsel this date on the Court's Order dated August 17, 2009, denying Plaintiff's Motion for Summary Judgment (Doc. 33), Defendants' Motion to Compel and for Sanctions (Doc. 35) and Plaintiff's Response to Defendants' Motion to Compel and for Sanctions (Doc. 37), the Motion to Compel was **GRANTED**. Defendant was **ORDERED** to produce or make available for inspection all documents in its possession, except those that are privileged, relating to the four loans that are at issue in this action and to any loans to BAM Enterprises, LLC, not later than **Thursday, October 8, 2009**. Counsel for Plaintiff will maintain custody of the originals of all documents pending the conclusion of this action.

Pursuant to Federal Rule of Civil Procedure 26(b)(1), and in light of the Court's Order denying the summary judgment motion, the undersigned found that the requested documents are relevant to subject matter involved in this action and their production to

Defendants appears reasonably calculated to lead to discovery of admissible evidence. However, the Court finds that Plaintiff's failure to produce the documents previously does not warrant sanctions and the Motion for Sanctions is **DENIED**.

Settlement was discussed with counsel. Plaintiff has believed strongly in its position and has not pursued settlement to date. Defendants need more time and discovery to properly evaluate their position.

DONE this 30th day of September, 2009.

s/BERT W. MILLING, JR.
UNITED STATES MAGISTRATE JUDGE