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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Ana Ramirez, et al.,
Plaintiffs,

No. C 08-0369 TEH (WDB)
ORDER FOLLOWING MARCH 25, 2009
HEARING RE DISCOVERY MOTIONS

v.

Greenpoint Mortgage Funding, Inc.,
Defendant.

On March 25, 2009, the court conducted a hearing in connection with plaintiffs' Motion to Compel Defendant to Produce Documents, filed January 28, 2009, and defendant's Motion to Compel Plaintiffs to Produce Documents and Responses to Written Discovery, filed February 18, 2009. For the reasons stated on the record, the court ORDERS as follows.

Plaintiffs' Motion to Compel

1. Plaintiffs' motion to compel production of documents relating to defendant's internal Fair Lending audit and analyses is DENIED without prejudice.

The documents plaintiffs seek are relevant to the class certification issue. However, the court RULES that defendant has not waived the right to assert the attorney client privilege or protection of the work product doctrine as a basis for withholding responsive documents.

By Wednesday, April 8, 2009, defendant MUST file with the Court and serve on plaintiffs one or more competent declarations (1) that demonstrate that defendant

1 conducted a reasonable investigation to identify internal documents responsive to
2 plaintiffs' requests and (2) that establish that the attorney client privilege and/or work
3 product doctrine apply(ies) to the documents identified on defendant's privilege log.

4 After meeting and conferring with defendant about the adequacy of defendant's
5 search and its justification for withholding documents on the basis of privilege or work
6 product protection, if plaintiffs identify a basis for reasonably inferring that defendant has
7 improperly withheld documents that are relevant and material to the issue of class
8 certification then plaintiffs may file a motion seeking production of those documents.

9 2. The court GRANTS plaintiffs' motion to compel production of documents
10 relating to the New York Attorney General's investigation.

11 3. The court DENIES without prejudice plaintiffs' motion to compel
12 production of documents pertaining to the decision that Greenpoint would cease issuing
13 mortgages. If plaintiffs identify authority that could support a finding that Greenpoint
14 has a legal right to compel its parent, Capital One, to produce documents in Capital One's
15 possession plaintiffs may renew their motion.

16 **Defendant's Motion to Compel**

17 4. The court DENIES defendant's motion to compel production of plaintiffs'
18 financial information and documents relating to other applications for credit made by
19 plaintiffs.

20 IT IS SO ORDERED.

21 Dated: March 26, 2009

22 

WAYNE D. BRAZIL
United States Magistrate Judge

23 Copies e-mailed to:
24 parties of record,
25 TEH, WDB, stats
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