

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

THE ANSCHUTZ CORPORATION,

Plaintiff,

v.

MERRILL LYNCH & CO., et al.,

Defendants.

No. C 09-03780 SI

**ORDER GRANTING IN PART
PLAINTIFF’S MOTION TO COMPEL**

Currently before the Court is plaintiff the Anschutz Corporation’s motion to compel defendant McGraw-Hill Companies, Inc., d/b/a Standard & Poor’s (“S&P”) to provide additional responses to discovery [Docket No. 267]. The Court has reviewed the parties’ submission and rules as follows:

1. Plaintiff’s motion to compel further responses to RFP Nos. 1-5 is GRANTED. In light of the allegations in the complaint, that the Auction Rate Securities (“ARS”) at issue did not deserve the ratings given to them by S&P and the allegations regarding the same defects in S&P’s ratings of residential mortgage backed securities (“RMBS”), the documents sought by plaintiff are relevant and should be produced.
2. Plaintiff’s motion to compel further responses to RFP Nos. 58-59 is GRANTED. These documents are relevant for the reasons discussed above.
3. Plaintiff’s motion to compel a further response to RFP No. 45 is DENIED. Plaintiff has failed to articulate how requiring S&P to produce documents sufficient to identify each

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ARS and structured finance product (“SFP”) S&P rated as well as the rating assigned would be relevant or lead to the discovery of relevant evidence in this case. In light of the burden that would be imposed upon S&P if they were required to produce the responsive documents (essentially, requiring S&P to create a detailed chart which does not currently exist), this request will be DENIED.

IT IS SO ORDERED.

Dated: September 19, 2011



SUSAN ILLSTON
United States District Judge