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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

TOBIN et al,	)	Civil No. 09-CV-256-DMS(WVG)
	)	
Plaintiffs,	)	ORDER ON JOINT DISPUTE STATEMENT
	)	REGARDING DEFENDANT DEUTSCHE BANK
v.	)	NATIONAL TRUST' COMPANY AS TRUSTEE
	)	FOR ALLIANCE BANCORP TRUST
BC BANCORP et al,	)	
	)	
Defendants.	)	(Doc. No. 139)

Plaintiffs and Defendants filed a Joint Dispute Statement. (Doc. No. 139.) Plaintiff objects to Defendant Deutsche Bank’s responses to Document Production Requests, and 30(b)(6) witness production, and requests sanctions against Defendant IndyMac Bank for alleged failure to comply with the Court’s previous discovery orders. The Court finds as set forth below.

I. BACKGROUND

The Court convened a Discovery Hearing on March 3, 2010. The Court addressed discovery disputes regarding the Plaintiffs’ 30(b)(6) deposition notice and requests for document production from Defendants Wells Fargo, Indymac Federal Bank, and Elke Poerschke. The Plaintiffs propounded voluminous requests on these three defendants and the Court expended four hours to parse through the numerous requests. (See Doc. No. 125.) At the March 3, 2010, hearing the Court opined that any future disputes with other defendants regarding the same subject matter would be resolved “consistent and the same” with the rulings provided that day. (Tr. 58:6.)

1 II. DEFENDANT DEUTSCHE BANK

2 Presently before the Court, is an identical dispute between Plaintiffs and Defendant  
3 Deutsche Bank. The document production requests and deposition notice served on Defendant  
4 Deutsche are substantially similar to the topics noticed to the other defendants and the subject  
5 matter encompassed within these requests was addressed by the Court on March 3, 2010.  
6 Defendant Deutsche Bank contends that the Court's previous order resolves the instant dispute  
7 entirely. The Court agrees absent one exception: Plaintiffs are entitled to a copy of the pooling and  
8 servicing agreement that sets forth Defendant's obligations and responsibilities as requested in  
9 Request for Production 27. Based on these forgoing events and findings, the Court rules as follows.

10 A. Document Production Requests Set One

11 Document Production Request 1

12 Defendant must provide a copy of the controlling Pooling and Servicing Loan Agreement to Plaintiffs.

13 In all other regards, Defendant's objections are sustained.

14 Document Production Request 2

15 Defendant's response to provide copies of the note, deed of trust, and title policy, is sufficient. No  
16 further response compelled.

17 Document Production Request 3

18 The Court's previous order addresses this request. No further response compelled.

19 Document Production Request 4

20 The Court's previous order addresses this request. No further response compelled.

21 Document Production Request 5

22 The Court's previous order addresses this request. No further response compelled.

23 Document Production Request 6

24 The Court's previous order addresses this request. No further response compelled.

25 Document Production Request 7

26 Defendant's response to provide copies of the note, deed of trust, and title policy, is sufficient. No  
27 further response compelled.

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1 Document Production Request 8  
2 The Court's previous order addresses this request. No further response compelled.  
3 Document Production Request 9  
4 The Court's previous order addresses this request. No further response compelled.  
5 Document Production Request 10  
6 The Court's previous order addresses this request. No further response compelled.  
7 Document Production Request 11  
8 The Court's previous order addresses this request. No further response compelled.  
9 Document Production Request 12  
10 The Court's previous order addresses this request. No further response compelled.  
11 Document Production Request 13  
12 The Court's previous order addresses this request. No further response compelled.  
13 Document Production Request 14  
14 The Court's previous order addresses this request. No further response compelled.  
15 Document Production Request 15  
16 The Court's previous order addresses this request. No further response compelled.  
17 Document Production Request 16  
18 The Court's previous order addresses this request. No further response compelled.  
19 Document Production Request 17  
20 The Court's previous order addresses this request. No further response compelled.  
21 Document Production Request 18  
22 The Court's previous order addresses this request. No further response compelled.  
23 Document Production Request 19  
24 The Court's previous order addresses this request. No further response compelled.  
25 Document Production Request 20  
26 Defendant's response to provide copies of the note, deed of trust, and title policy, is sufficient. No  
27 further response compelled.  
28 ///

1 Document Production Request 21  
2 The Court's previous order addresses this request. No further response compelled.

3 Document Production Request 22  
4 The Court's previous order addresses this request. No further response compelled.

5 Document Production Request 23  
6 The Court's previous order addresses this request. No further response compelled.

7 Document Production Request 24  
8 The Court's previous order addresses this request. No further response compelled.

9 Document Production Request 25  
10 The Court's previous order addresses this request. No further response compelled.

11 Document Production Request 26  
12 The Court's previous order addresses this request. No further response compelled.

13 Document Production Request 27  
14 The Court's finds that Plaintiffs are entitled to one complete copy of the Pooling and Servicing  
15 Agreement that sets forth Defendant's obligations. The copy shall include any addendums,  
16 schedules, or supplements that controlled Defendant's obligations to Plaintiffs' loan.

17 Document Production Request 28  
18 The Court's finds prospectus irrelevant in light of a controlling Pooling and Loan Servicing  
19 Agreement. No further response compelled.

20 Document Production Request 29  
21 The Court's finds supplemental prospectus irrelevant in light of a controlling Pooling and Loan  
22 Servicing Agreement. No further response compelled.

23 Document Production Request 30  
24 The Court's finds registration statements irrelevant in light of a controlling Pooling and Loan  
25 Servicing Agreement. No further response compelled.

26 Document Production Request 31  
27 The Court's previous order addresses this request. No further response compelled.

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1 Document Production Request 32  
2 The Court's previous order addresses this request. No further response compelled.  
3 Document Production Request 33  
4 The Court's previous order addresses this request. No further response compelled.  
5 Document Production Request 34  
6 The Court's previous order addresses this request. No further response compelled.  
7 Document Production Request 35  
8 The Court's previous order addresses this request. No further response compelled.  
9 Document Production Request 36  
10 The Court's previous order addresses this request. No further response compelled.  
11 Document Production Request 37  
12 The Court finds this request vague and overbroad and is accordingly denied.  
13 Document Production Request 38  
14 This request is identical to the preceding request: it is denied.  
15 Document Production Request 39  
16 The Court finds this request vague and overbroad and is accordingly denied.  
17 Document Production Request 40  
18 The Court finds this request vague and overbroad and is accordingly denied.  
19 Document Production Request 41  
20 The Court's previous order addresses this request. No further response compelled.  
21 Document Production Request 42  
22 The Court's previous order addresses this request. No further response compelled.  
23 Document Production Request 43  
24 The Court's previous order addresses this request. No further response compelled.  
25 Document Production Request 44  
26 This request is duplicative in light of the Court's order herein regarding Document Production  
27 Request 27. Accordingly, it is denied.  
28 ///

1 Document Production Request 45  
2 The Court's previous order addresses this request. No further response compelled.  
3 Document Production Request 46  
4 The Court's previous order addresses this request. No further response compelled.  
5 Document Production Request 47  
6 The Court's previous order addresses this request. No further response compelled.  
7 Document Production Request 48  
8 The Court's previous order addresses this request. No further response compelled.  
9 Document Production Request 49  
10 The Court's previous order addresses this request. No further response compelled.  
11 Document Production Request 50  
12 The Court's previous order addresses this request. No further response compelled.  
13 Document Production Request 51  
14 This request is duplicative in light of the Court's order herein regarding Document Production  
15 Request 27. Accordingly, it is denied.  
16 Document Production Request 52  
17 The Court's previous order addresses this request. No further response compelled.  
18 Document Production Request 53  
19 The Court's previous order addresses this request. No further response compelled.  
20 Document Production Request 54  
21 The Court's previous order addresses this request. No further response compelled.  
22 Document Production Request 55  
23 The Court's previous order addresses this request. No further response compelled.  
24 Document Production Request 56  
25 The Court's previous order addresses this request. No further response compelled.  
26 Document Production Request 57  
27 The Court's previous order addresses this request. No further response compelled.  
28 ///

1 Document Production Request 58  
2 The Court's previous order addresses this request. No further response compelled.  
3 Document Production Request 59  
4 The Court's previous order addresses this request. No further response compelled.  
5 Document Production Request 60  
6 The Court's previous order addresses this request. No further response compelled.  
7 Document Production Request 61  
8 The Court's previous order addresses this request. No further response compelled.  
9 Document Production Request 62  
10 The Court's previous order addresses this request. No further response compelled.  
11 Document Production Request 63  
12 The Court's previous order addresses this request. No further response compelled.  
13 Document Production Request 64  
14 The Court's previous order addresses this request. No further response compelled.  
15 Document Production Request 65  
16 The Court's previous order addresses this request. No further response compelled.  
17 Document Production Request 66  
18 The Court's previous order addresses this request. No further response compelled.  
19 Document Production Request 67  
20 The Court's previous order addresses this request. No further response compelled.  
21 Document Production Request 68  
22 The Court's previous order addresses this request. No further response compelled.  
23 Document Production Request 69  
24 The Court's previous order addresses this request. No further response compelled.  
25 Document Production Request 70  
26 The Court's previous order addresses this request. No further response compelled.  
27 Document Production Request 71  
28 The Court's previous order addresses this request. No further response compelled.

1 Document Production Request 72

2 The Court's previous order addresses this request. No further response compelled.

3 Document Production Request 73

4 The Court's previous order addresses this request. No further response compelled.

5 Document Production Request 74

6 The Court's previous order addresses this request. No further response compelled.

7 Document Production Request 75

8 The Court's previous order addresses this request. No further response compelled.

9 Document Production Request 76

10 The Court's previous order addresses this request. No further response compelled.

11 Document Production Request 77

12 The Court's previous order addresses this request. No further response compelled.

13 Document Production Request 78

14 The Court's previous order addresses this request. No further response compelled.

15 Document Production Request 79

16 The Court's previous order addresses this request. No further response compelled.

17 Document Production Request 80

18 The Court's previous order addresses this request. No further response compelled.

19 Document Production Request 81

20 The Court's previous order addresses this request. No further response compelled.

21 Document Production Request 82

22 Defendant's response to provide copies of the note, deed of trust, and title policy, is sufficient. No  
23 further response compelled.

24 Document Production Request 83

25 Defendant's response to provide copies of the note, deed of trust, and title policy, is sufficient. No  
26 further response compelled.

27 Document Production Request 84

28 The Court's previous order addresses this request. No further response compelled.



1 Document Production Request 85  
2 The Court's previous order addresses this request. No further response compelled.

3 Document Production Request 86  
4 The Court's previous order addresses this request. No further response compelled.

5 Document Production Request 87  
6 The Court's previous order addresses this request. No further response compelled.

7 Document Production Request 88  
8 The Court's previous order addresses this request. No further response compelled.

9 Document Production Request 89  
10 The Court's previous order addresses this request. No further response compelled.

11 Document Production Request 90  
12 The Court's previous order addresses this request. No further response compelled.

13 Document Production Request 91  
14 The Court's previous order addresses this request. No further response compelled.

15 Document Production Request 92  
16 The Court's previous order addresses this request. No further response compelled.

17 Document Production Request 93  
18 The Court's previous order addresses this request. No further response compelled.

19 Document Production Request 94  
20 The Court's previous order addresses this request. No further response compelled.

21 Document Production Request 95  
22 The Court's previous order addresses this request. Defendant has provided an adequate response.

23 Document Production Request 96  
24 The Court's previous order addresses this request. No further response compelled.

25 Document Production Request 97  
26 The Court's previous order addresses this request. No further response compelled.

27 Document Production Request 98  
28 The Court's previous order addresses this request. No further response compelled.

1 Document Production Request 99

2 The Court's previous order addresses this request. No further response compelled.

3 Document Production Request 100

4 The Court's previous order addresses this request. Defendant has provided an adequate response.

5 Document Production Request 101

6 The Court's previous order addresses this request. Defendant has provided an adequate response.

7 Document Production Request 102

8 The Court's previous order addresses this request. Defendant has provided an adequate response.

9 Document Production Request 103

10 The Court's previous order addresses this request. No further response compelled.

11 Document Production Request 104

12 The Court's previous order addresses this request. No further response compelled.

13 B.) 30(b)(6) Deposition Notice to Wells Fargo Bank

14 Defendant must produce a witness able to testify to corporate knowledge on the following  
15 topics: 1; 2; 3; 4; 5; 6; 7; 10; 12, 14; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30; 31; 32;  
16 33; 34; 35; 36; 37, 38; 39; 47, 51 up to time of filing the lawsuit; and 52. All topics not addressed are  
17 DENIED.

18 III. Defendant IndyMac Federal Bank

19 Defendant IndyMac Federal Bank has been dismissed from the instant action and  
20 accordingly Plaintiffs' request for sanction or for an order to further compel a deposition against  
21 Defendant IndyMac is DENIED.

22

23 DATED: July 23, 2010

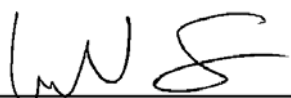
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Hon. William V. Gallo  
U.S. Magistrate Judge