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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 In re B of I HOLDING, INC.
12 SECURITIES LITIGATION

Case No.: 15-cv-2324-GPC-KSC

13 **ORDER REGARDING**
14 **DISCOVERY DISPUTES**
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17 Before the Court are discovery disputes concerning plaintiff's Sixth, Seventh, and
18 Eighth Sets of Requests for Production ("RFPs") to defendants, which the parties raised
19 with the Court on December 7, 2021 in accordance with the Court's order that all remaining
20 discovery disputes concerning written discovery be raised by December 10, 2021. Doc.
21 No. 293. The parties appeared in chambers for an in-person meet and confer session on
22 December 20, 2021, during which the Court heard from the parties and gave them
23 preliminary guidance on the disputes. *See* Doc. No. 327. At the conclusion of the December
24 20, 2021 conference, the Court ordered the parties to return for further meet and confer on
25 January 7, 2022. *See id.* On January 5, 2022, the parties advised the Court that after
26 continued meet and confer efforts, they had narrowed the outstanding disputes, which
27 comprised six broad categories, and that they had exhausted their meet and confer efforts

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1 with respect to these remaining disputes.¹ The Court construed the parties’ dispute as a
2 Motion to Compel further responses to the disputed RFPs and held argument on the motion
3 on January 7, 2022. The Court then delivered an oral ruling on the Motion to Compel on
4 January 13, 2022. This Order follows.

5 **ORDER**

6 Having reviewed the disputed discovery and considered the parties’ arguments, and
7 for the reasons stated during the January 13, 2022 hearing, the Court hereby **ORDERS**
8 that:

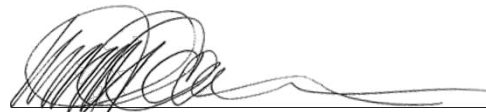
- 9 1. Plaintiff’s Motion to Compel production of loan files for six types of loans in
10 response to RFPs No. 76, 78, 80, 84, 86 and 87 is **DENIED**.
- 11 2. Plaintiff’s Motion to Compel production of personnel files for the Confidential
12 Witnesses in response to Request for Production No. 90 is **DENIED**.
- 13 3. Plaintiff’s Motion to Compel production of transcripts of depositions taken in
14 other litigation involving BofI or its officers in response to Request for
15 Production No. 91 is **GRANTED IN PART** and **DENIED IN PART**. Plaintiff’s
16 request for an order compelling defendants to produce the transcript of the
17 deposition of Charles Matthew Erhart (“Erhart”), taken in *BofI Federal Bank v.*
18 *Sofia Cornell*, No. 37-2016-00016599-CU-NP-CTL (Cal. Super. Ct.) is
19 **GRANTED**. Defendants must produce the transcript to plaintiff ***within 10 days***
20 ***of the date of this Order***. Plaintiff’s request for an order compelling production
21 of the depositions of Erhart, Gregory Garrabrants and Daniel Crescitelli, taken in
22 *Gregory Garrabrants v. Charles Matthew Erhart*, No. 37-2017-00039440-CU-
23 NP-CTL (Cal. Super. Ct.), is **DENIED**.
- 24 4. Plaintiff’s Motion to Compel a response to Interrogatory No. 18 is **DENIED**.

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27 ¹ On January 12, 2022, the parties advised the Court that they had resolved their dispute regarding
28 plaintiff’s Request for Production No. 99 and Interrogatory No. 16 without further assistance from the
Court.

1 5. The parties represent that they have agreed that the Court's reasoning in resolving
2 the pending motions regarding plaintiff's subpoenas to third parties [Doc. Nos.
3 305, 318] will extend to their disputes concerning plaintiff's responses to Request
4 for Production Nos. 89, 92, 93, 94, 95 and 96. The Court will not interfere with
5 the parties' agreement. The parties are directed to the Court's rulings on those
6 motions for guidance.

7 **IT IS SO ORDERED.**

8 Dated: January 13, 2022



Hon. Karen S. Crawford
United States Magistrate Judge