

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 09-cv-02786-MSK-BNB

AGILE SKY ALLIANCE FUND LP, and
SKY BELL SELECT, LP,

Plaintiffs,

v.

RBS CITIZENS, N.A., d/b/a Charter One Bank, and
SWISS FINANCIAL SERVICES, INC.,

Defendants.

ORDER

This matter arises on **RBS Citizens, N.A.’s Motion to Compel Requested Discovery from Plaintiffs and Certain Affiliated Third Parties** [Doc. # 109, filed 10/19/2010] (the “Motion to Compel”). I held a hearing on the Motion to Compel on November 3, 2010, and made rulings on the record, which are incorporated here.

IT IS ORDERED that:

(1) The Motion to Compel [Doc. # 109] is GRANTED IN PART and DENIED IN PART;

(2) The Motion to Compel is GRANTED to require:

- The plaintiffs shall produce, on or before **November 12, 2010**, their due diligence files, and buy-sell information from June 1, 2003, to the present, for all Asset Based Lending Funds in which the plaintiffs and any affiliates who relied on or shared the same due diligence information invested;

- The plaintiffs shall produce, on or before **November 12, 2010**, their due diligence files for Palm Beach Finance Partners, L.P., and Eden Rock Capital Management;
- The plaintiffs shall produce, on or before **November 12, 2010**, the transcripts of the depositions of Eric Fonacier and Michael Sell taken in connection with the SEC investigation of the plaintiff companies or their affiliates, and shall identify all agents and representatives of the plaintiffs and their affiliates deposed in connection with the SEC investigation and shall promptly produce any of the additional depositions requested by the defendants;
- The plaintiffs shall produce, on or before **November 12, 2010**, quarterly statements for the period June 1, 2003, to the present, identifying the assets held by the plaintiffs and their affiliates who relied on or shared the same due diligence information; and

(3) The Motion to Compel is DENIED in all other respects.

Dated November 4, 2010.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge