

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02067-CMA-MJW

AURORA COMMERCIAL CORP.,

Plaintiff,

v.

UNIVERSAL AMERICAN MORTGAGE COMPANY,

Defendant.

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MINUTE ORDER

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Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED plaintiff's Motion to Compel Production of Documents (Docket No. 61) is DENIED WITHOUT PREJUDICE.

It is FURTHER ORDERED that the Joint Motion for Abeyance of Plaintiff's Motion to Compel Production of Documents (Docket No. 65) is GRANTED as follows:

1. Defendant, Universal American Mortgage Company ("UAMC") will conduct a search for E-mails, as described below, and will produce responsive documents to Plaintiff, Aurora Commercial Corp. ("Aurora"), no later than 30 days from the date of this Order.
2. UAMC will search all available databases, hard drives, and other data storage systems that may contain e-mails between UAMC Employees (as defined herein) and any of the borrowers ("Borrowers") of the loans at issue in this litigation ("Loans").
3. UAMC will produce all records of any e-mail correspondence, including any attachments ("E-Mails"), sent or received by certain UAMC Employees that contain any of the agreed-upon search terms ("Search Terms") in the body, subject, sender, recipient, or carbon copy fields, or in any attachment within the Time Period (defined herein). UAMC shall produce all E-Mails related to the Borrowers regardless of whether they concern the Loans or other loans originated and/or underwritten by UAMC within the Time Period. Additionally, the E-Mails shall include internal UAMC correspondence related to the Loans and/or the Borrowers. UAMC need not produce any records that are entirely unrelated to both the Borrowers and the Loans.

4. "UAMC Employees" include all loan officers, processors, or other UAMC employees or representatives that UAMC has reason to believe may have been in contact with the Borrowers in connection with the origination and/or underwriting of any mortgage loan. In connection with the production described herein, UAMC will provide Aurora a list of the UAMC Employees.

5. The "Search Terms" shall include: (1) the Borrowers' last names; (2) the Borrowers' first names (if sufficiently unique); (3) any e-mail addresses Aurora provides UAMC; and (4) any loan number UAMC has associated with the Loans or any related first-lien loan. The Parties will agree upon the first names of the Borrowers that are unique and Aurora shall provide UAMC with a list of e-mail addresses within 3 days of this Order. UAMC will use root expanders and/or any other available search techniques to ensure that the search results include: (1) any abbreviations of loan numbers commonly used by UAMC; and (2) Borrower names that may be contained within a larger grouping of letters without spacing, such as an e-mail address.

6. The scope of the search shall be limited to E-Mails sent or received during a time period beginning 60 days prior to the date of the relevant Borrower's first/initial loan application for a Loan or any related first-lien loan and ending 30 days after the relevant loan was sold to Aurora (the "Time Period").

Date: March 24, 2014

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