

In the United States Court of Federal Claims

No. 08-321 T

(Filed October 23, 2013)

WASHINGTON MUTUAL, INC., *
as successor in interest of *
H. F. AHMANSON & CO. and *
SUBSIDIARIES, et al., *

Plaintiffs, *

v. *

THE UNITED STATES, *

Defendant. *

ORDER

On October 11, 2013, defendant filed an unopposed Motion For Enlargement of Time of thirty days, to and including November 14, 2013, within which to complete fact discovery in this matter. Defendant’s motion does not address the remainder of the discovery schedule set forth in the court’s order of September 3, 2013 in this matter.1 Additionally, the court notes that discovery is relative to Counts I and III of plaintiffs’ first amended complaint. Since, Count II is suspended while the parties conduct settlement negotiations. Unless the parties notify the court otherwise, this discovery order is applicable to Counts I and III of plaintiff’s first amended complaint. Count II shall remain stayed and the parties shall comply with the court’s scheduling order of September 17, 2013.

Accordingly, it is hereby ORDERED that

1/ The court is left to presume that the schedule for expert discovery remains unchanged. If that is not what defendant intended then a motion for additional time in that regard must be filed.

- (1) Defendant's Motion For Enlargement of Time is **GRANTED**;
- (2) The parties shall **COMPLY** with the court's scheduling order of September 17, 2013 which states that the parties shall **FILE** a **Joint Status Report**, on or before **October 31, 2013**, advising the court of settlement progress and proposing further proceedings on *Count II* in this matter;
- (3) The parties shall **COMPLETE fact discovery** including production of documents, depositions, interrogatories and requests for admissions on *Counts I and III* of plaintiff's first amended complaint, on or before **November 14, 2013**; and
- (4) The parties shall comply with all requirements of RCFC 26(a)(2) with respect to disclosure of expert testimony. On or before **November 12, 2013**, the parties shall exchange **expert reports**; on or before **December 16, 2013**, the parties shall exchange **expert rebuttal reports**; and, on or before **February 14, 2014**, **expert discovery and/or depositions** shall be completed.
- (5) On **February 24, 2014**, or two weeks after the completion of discovery, whichever occurs earlier, counsel are directed to **FILE** a **Joint Status Report** informing the court of the status of proceedings in this case and the extent to which the parties have determined whether any or all of the instant matter may be settled. The status report shall also set forth a proposed schedule for the exchanges required by Appendix A, ¶ 13 and the filings required by ¶¶ 14 through 17. In the event that any dispositive motions are to be filed, the status report shall state a proposed date for such motions.

/s/Lynn J. Bush
LYNN J. BUSH
Senior Judge