IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS

THE BANK OF NEW YORK MELLON f/k/a THE BANK OF NEW YORK as Trustee for the Certificate Holders of the CWABS, Inc. Asset-Backed Certificates, Series 2004-14,

Plaintiff,

v.

No. 3:12-cv-679-DRH-DGW

RONALD SMITH a/k/a RONALD E. SMITH, HOLISHOR ASSOCIATION, INC., COUNTRYWIDE HOME LOANS, INC. f/k/a AMERICA'S WHOLESALE LENDER, CITIBANK, N.A. f/k/a CITIBANK (SOUTH DAKOTA), N.A., UNITED STATES OF AMERICA, STATE OF ILLINOIS, UNKNOWN OWNERS-TENANTS, and NON-RECORD CLAIMANTS

Defendants.

<u>ORDER</u>

HERNDON, Chief Judge:

In its order dated September 25, 2013, the Court ordered the parties to notify the Court of their progress regarding Brenda Swinton's deposition (Doc. 46). On November 22, 2013, plaintiff The Bank of New York Mellon ("BNY Mellon") notified the Court that the deposition of Ms. Swinton has not yet taken place and that, after communication with the United States of America ("USA"), no deposition is currently scheduled (Doc. 49).

The intent of the Court's prior order was to allow the USA time to depose Ms. Swinton. Therefore, the Court **ORDERS** the USA to depose Ms. Swinton, and provide the Court with notice thereof, on or by **January 31, 2014**. Failure to comply with this order may result in judgment entered in favor of plaintiff BNY Mellon.

IT IS SO ORDERED.

Signed this 2^{nd} day of December, 2013.

Digitally signed by David R. Herndon

Date: 2013.12.02 09:32:51 -06'00'

Chief Judge United States District Court

DavidPortanda