UNITED STATES DISTRICT COURT

BOARD, etc.,

SOUTHERN DISTRICT OF NEW YORK		,		
NATIONAL CREDIT UNION ADMINI	X STRATION :	<u>.</u>		
BOARD, etc.,	:			
Pla	intiff, :		13cv6705	(DLC)
-V-	:		13cv6719	(DLC)
	:		13cv6721	(DLC)
MORGAN STANLEY & CO., et al.	, :		13cv6726	(DLC)
	:		13cv6727	(DLC)
De:	fendants. :		13cv6731	(DLC)
	:		13cv6736	(DLC)
And other NCUA Actions.	:			
UNITED STATES DISTRICT COURT	X		DOC #:	

Plaintiff,

Defendants.

:

:

----X NATIONAL CREDIT UNION ADMINISTRATION :

RBS SECURITIES, INC., f/k/a GREENWICH :

-v-

CAPITAL MARKETS, INC., et al.,

And other NCUA Actions.

11cv2340 (JWL) 11cv2649 (JWL) 12cv2591 (JWL) 12cv2631 (JWL) 12cv2648 (JWL) 13cv2418 (JWL)

DATE FILED: 6/22/15

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA WESTERN DIVISION

NATIONAL CREDIT UNION ADMINISTRATION

BOARD, etc.,

Plaintiff,

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11cv5887 (GW) :

RBS SECURITIES, INC., f/k/a GREENWICH :

11cv6521 (GW)

CAPITAL MARKETS, INC., et al.,

Defendants. :

ORDER

And other NCUA Actions.

HON. DENISE COTE, HON. JOHN W. LUNGSTRUM, and HON. GEORGE H. WU, District Judges; and HON. JAMES P. O'HARA, Magistrate Judge:

On June 17, 2015, defendants requested clarification of the deadline under the Master Discovery Protocol ("MDP") for their expert reports on loss causation. They seek to submit such reports on October 16. On June 22, NCUA submitted a letter opposing this request.

Section 11(a) of the MDP requires "submissions of expert reports by the party bearing the burden of proof on an issue on August 14, 2015, rebuttal expert reports on October 16, 2015, and any reply expert reports on November 20, 2015." Section 11(c) of the MDP provides that "[i]f Defendants have reunderwritten the NCUA sampled loans, Defendants shall submit any expert reports regarding that re-underwriting on October 16, 2015." Section 1 of the MDP provides that a party may seek modification of the MDP "upon a showing of good cause."

Loss causation is an affirmative defense for which defendants bear the burden, and any loss causation expert reports are due on August 14. Defendants have not shown good cause for modifying the expert discovery deadlines.

Accordingly, it is hereby

ORDERED that loss causation expert reports remain subject to the deadlines set forth in the MDP.

Dated: June 22, 2015	/s/ Denise Cote
	United States District Judge
Dated: June 22, 2015	/s/ George H. Wu
	United States District Judge
Dated: June 22, 2015	/s/ John W. Lungstrum
	United States District Judge
Dated: June 22, 2015	/s/ James P. O'Hara
	United States Magistrate Judge