

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
J. FREDERICK MOTZ
UNITED STATES DISTRICT JUDGE

101 WEST LOMBARD STREET
BALTIMORE, MARYLAND 21201
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July 1, 2015

MEMO TO COUNSEL RE: Amegy Bank National Association v. Morris,
Schneider & Wittstadt, LLC, et al.
Civil No. JFM-15-1911

Dear Counsel:

This will confirm what we discussed on the record yesterday.

1. Plaintiff's motion for temporary restraining order (document 3) is denied.
2. You will provide me with a status report on or before July 17, 2015 as to whether you have been able to work out an interim agreement.
3. You will discuss with one another whether or not the escrowed funds should be put into an interpleader fund or funds. One fund may be sufficient. However, it may be more expeditious to establish two funds since the issues concerning the escrowed monies raise different issues as to different people. As to the attorney's fees, the issues involve (perhaps among other things) whether MSW was fraudulently induced to enter into the asset purchase agreement with B&H, whether sufficient funds should be released from time-to-time to enable MSW (or its successor) to continue its operations, and whether the individual partners of MSW should be named as defendants. The primary issue concerning third-party vendors appears to be whether plaintiff is entitled to funds that have been earmarked (and in some instances approved by state auditors) for services that the vendors rendered in connection with the foreclosures.
4. I understand that plaintiff does not claim funds that were paid by purchasers at foreclosure sales. Therefore, you will also discuss whether, to the extent that these monies are included in the escrow account, they should be paid over to bonding companies immediately.

Despite the informal nature of this letter, it should be flagged as an opinion and docketed as an order.

Very truly yours,



J. Frederick Motz
United States District Judge

cc: Ira Oring, Esq.
James Heidelberg, Esq.

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