

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MONTEREY BAY MILITARY HOUSING, LLC, et al.,

Plaintiffs,

-v-

AMBAC ASSURANCE CORPORATION, et al.,

Defendants.

CIVIL ACTION NO.: 19 Civ. 9193 (PGG) (SLC)

**ORDER**

**SARAH L. CAVE**, United States Magistrate Judge.

Before the Court is Defendant Ambac Assurance Corporation's ("Ambac") request for an order directing non-party Malvern Capital Partners, LLC ("Malvern") to comply with Ambac's subpoena (the "Subpoena"). (ECF No. 595 (the "Request")). Pursuant to the discovery conference held today, January 18, 2023 (the "Conference"), the Request is GRANTED IN PART and DENIED IN PART as follows:

1. Malvern shall promptly permit Ambac's e-discovery vendor to retrieve (i) Austin Repetto's ("Repetto") computer (ECF No. 598 at 1 (the "Computer")) and (ii) Repetto's electronically stored documents pre-dating March 2005 and relating to the MHPI Projects in connection with Repetto's employment with BBC (together with the Computer, the "Devices").
2. Ambac shall instruct its e-discovery vendor to promptly collect the electronically stored information (the "ESI") from the Devices (the "Collection") and return the Devices to Malvern.
3. Ambac and Malvern shall split the "approximately \$2000" cost (ECF No. 595 at 2) for the Collection.

4. Ambac shall bear all subsequent costs associated with its search, review, and production of the ESI.
5. If Ambac wishes to collect and review Malvern's hardcopy records for documents responsive to the Subpoena, it shall engage its own vendor to do so, and shall bear all costs associated with the collection and review.
6. The parties shall order a transcript of the Conference and file it on the docket.
7. Ambac shall promptly serve a copy of this Order on Malvern.

Dated: New York, New York  
January 18, 2023

SO ORDERED.

  
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**SARAH L. CAVE**  
**United States Magistrate Judge**