

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

WELLS FARGO BANK, N.A.,

Plaintiff,

v.

FIFTH THIRD BANK,

Defendant.

Case No. 1:12-cv-794

Beckwith, J.
Bowman, M.J.

ORDER

On September 24, 2013, the Court convened a telephonic conference at Defendant Fifth Third's request in order to resolve three discrete discovery disputes. Pursuant to the practice of the undersigned, both parties tendered very short memoranda setting forth their respective positions on the issues before the Court, which memoranda have not been filed of record.

The Court having reviewed the parties' informal written submissions, and having heard oral argument, **IT IS ORDERED THAT:**

1. Fifth Third shall disclose the identity of its experts by September 27, 2013, but need not disclose the reports of those experts until **November 1, 2013;**
2. Wells Fargo shall have a corresponding extension of time in which to disclose any rebuttal experts, including any reports, until **December 2, 2013;**

3. The extensions to the expert disclosure deadlines have been made conditioned on the good faith representations of the parties that the reports will not be required to prepare dispositive motions. Therefore, **no other deadlines, including but not limited to the dispositive motion deadline, shall be affected by this Order;**
4. Fifth Third shall immediately restate in writing its prior requests for Wells Fargo's written policies and procedures, in order to narrow the scope of those requests to the time frame of 2009 or later, based on Wells Fargo's acknowledgement that it is not claiming gross negligence prior to that time frame. In addition, the requests should be narrowed by subject matter as discussed during the conference with the Court;
5. Fifth Third's request to take an eleventh deposition, either of Ms. May or Mr. Golownia, shall be taken under submission until following the completion of the previously noticed Rule 30(b)(6) deposition. Should the parties be unable to amicably resolve the issue after that time, they should promptly contact the Court for an additional conference;
6. Wells Fargo's oral request to unseal Fifth Third's reply in support of its motion to amend its complaint (Doc. 31) will not be considered at this time, given Fifth Third's position that the issue has been rendered moot, and the lack of full exhaustion of extrajudicial efforts to resolve this issue since last presented to the Court. To the extent that further discussions between counsel reveal continuing disagreement, the

parties should contact the Court for an additional telephonic conference
in lieu of filing formal motions.

s/ Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge