

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

Deutsche Bank National Trust)	
Company as Trustee for Morgan)	
Stanley ABS Capital I Inc. Trust)	No. 13 L 5823
2007-HE6,)	
)	Calendar S
Plaintiff,)	
)	Judge Raymond W. Mitchell
v.)	
)	
Decision One Mortgage Company,)	
LLC and HSBC Finance)	
Corporation,)	
)	
Defendants.)	

ORDER

This case is before the Court on Plaintiff Deutsche Bank National Trust Company's motion to compel discovery from Defendant Decision One Mortgage Company, LLC.

The motion presents issues regarding the scope of discovery and specifically a determination of whether Deutsche Bank is entitled to take discovery on all residential mortgage loans originated or underwritten by Decision One during the relevant period or whether discovery should be limited to the roughly 3,000 Mortgage Loans in the trust at issue. Here, the burden of producing the requested discovery, when compared with the minimal probative value, favors denying Deutsche Bank's requests. Deutsche Bank's discovery requests shall be narrowed to the Mortgage Loans: Requests Nos. 28, 32, 33, 34, 35, 35.

Deutsche Bank has demonstrated an adequate basis on which to take discovery related to loans outside the trust if those documents are somehow connected with the Mortgage Loans. For example, if an allegedly non-compliant loan that is inside the trust has a common originator, broker, appraiser or underwriter with a loan not within the trust, Deutsche Bank would be entitled to discover documents related to that loan outside the trust. This exception is narrow and is intended to allow discovery only on the relevant topics of quality control and compliance: Requests Nos. 30, 36, 37, 38 and 41.

Deutsche Bank requests documents related to amendments or modifications in underwriting guidelines (Request No. 30). Based on colloquy with counsel, that request shall be narrowed to any summary documents that might exist.

Deutsche Bank requests documents related to Decision One's financial reserves, HSBC's decision to shut down Decision One and any asset transfers between Decision One and HSBC entities (Request Nos. 2, 6, 7 and 52). Decision One objects and argues that these documents relate to Decision One's veil-piercing theories that have been dismissed. The documents could also, however, tend to establish notice—a relevant issue in the case. Thus, Decision One's objections are overruled. To the extent that these requests encompass privileged or otherwise protected information, Illinois Supreme Court Rule 201(n) prescribes the method for making such a claim.

Finally, the parties are encouraged to satisfy their discovery obligations in a manner and method that is agreeable, efficient and effective. If the parties agree that predictive coding would be appropriate in this case, they are encouraged to employ that tool.

* * * *

Based on the foregoing, it is hereby ORDERED:

- (1) Plaintiff Deutsche Bank National Trust Company's motion to compel discovery is GRANTED in part and DENIED in part. 4215 5215
- (2) The case management conference set for March 6, 2014 at 10:30 a.m., and all other dates, stand. 4335

Judge Raymond W. Mitchell

ENTERED,

JAN 28 2014

R. W. Mitchell Circuit Court 1992

Judge Raymond W. Mitchell, No. 1992