

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

ex rel. ANNE M. FAGO

Relator,

BRINGING THIS ACTION ON
BEHALF OF THE UNITED STATES
OF AMERICA,

Plaintiffs,

v.

M & T MORTGAGE CORPORATION,

Defendant.

Civil Action 03-1406 (GK/JMF)

ORDER

In accordance with the accompanying Memorandum Opinion, it is, hereby, **ORDERED**
that

1. Plaintiff's Motion to Compel [#37] is **GRANTED in part** and **DENIED in part**;
and it is further **ORDERED** that
2. Plaintiff's Request for Oral Hearing [#42] is **DENIED as moot**; and it is further
ORDERED that
3. Defendant M&T Mortgage Corporation ("M&T") shall submit for *in camera*
review, within ten business days of this Order, (a) the documents withheld from
production in response to plaintiff's Document Request Nos. 38, 40-43, 45, 48,
50, and 51 under a claim of work product protection, and (b) a log providing the

bates number(s), date, author, and recipient of each document submitted; and it is further **ORDERED** that

4. As further explained in the accompanying Memorandum Opinion, M&T shall submit a brief, within ten business days of this Order, showing cause why, if it so contends, it is not capable of pulling the names of the persons who audited each of the 108 loans that it determined were potentially actionable in this lawsuit from its electronic archives and, if it is capable of so doing, why, if it so contends, the burden of pulling that information would be prohibitive. Plaintiff will have ten business days thereafter to respond.

SO ORDERED.

JOHN M. FACCIOLA
UNITED STATES MAGISTRATE JUDGE

Dated: