

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NATIONAL CREDIT UNION ADMINISTRATION :
BOARD, etc., :
Plaintiff, :
-v- : 13cv6705 (DLC)
MORGAN STANLEY & CO., et al., :
Defendants. :
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NATIONAL CREDIT UNION ADMINISTRATION :
BOARD, etc., :
Plaintiff, :
-v- : 13cv6726 (DLC)
RBS SECURITIES, INC., f/k/a GREENWICH :
CAPITAL MARKETS, INC., et al., :
Defendants. :
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UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS

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NATIONAL CREDIT UNION ADMINISTRATION :
BOARD, etc., :
Plaintiff, :
-v- : 11cv2340 (JWL)
RBS SECURITIES, INC., f/k/a GREENWICH :
CAPITAL MARKETS, INC., et al., :
Defendants. :
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

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NATIONAL CREDIT UNION ADMINISTRATION :
BOARD, etc., :
Plaintiff, :
-v- : 11cv5887 (GW)
RBS SECURITIES, INC., f/k/a GREENWICH :
CAPITAL MARKETS, INC., et al., :
Defendants. : ORDER
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HON. DENISE COTE, HON. JOHN W. LUNGSTRUM, and HON. GEORGE H. WU,
District Judges; and HON. JAMES P. O'HARA, Magistrate Judge:

On September 16, 2014, defendant RBS Securities Inc.
("RBS") made a request to compel production of deposition
transcripts from a lawsuit brought by NCUA against the former
officers and directors of the Western Corporate Federal Credit
Union, NCUA Bd. v. Siravo, et al. (10cv1597), that is pending
before the Hon. George H. Wu. The Siravo lawsuit is not one of
the coordinated NCUA RMBS actions. On September 22, NCUA filed
a response.

The discovery dispute underlying the motion requires
context. On May 23, 2014, RBS requested that NCUA produce the
Siravo transcripts under § 10(d) of the Master Discovery
Protocol ("MDP"), which requires production of transcripts from
certain RMBS matters. Then, on May 28, defendants (including
RBS) in all the coordinated NCUA actions jointly served on NCUA
a Request for Production ("RFP") seeking, without reference to
MDP § 10(d), the Siravo transcripts.

On June 1 and 12, 2014, NCUA responded, taking the position that Siravo was not an "RMBS matter" as defined by MDP § 10(d). NCUA nevertheless agreed on June 12, 2014 to produce the Siravo transcripts if defendants agreed to produce similar materials by expanding § 10(d)'s definition of "RMBS matters." Defendants have not responded to this offer.

In September, RBS separately and all defendants again raised the issue of the Siravo transcripts with NCUA. Defendants stated that they were continuing to evaluate NCUA's June 12 offer. On the next business day after all defendants made that representation to NCUA, RBS filed the instant motion. Accordingly, it is hereby

ORDERED that RBS's request to compel production of the Siravo transcripts is denied without prejudice pending completion of the meet-and-confer regarding NCUA's proposal of June 12, 2014. Once that meet-and-confer is complete, the parties may bring any outstanding dispute to the attention of the undersigned through the process identified in the MDP.

Dated: September 23, 2014 /s/ Denise Cote
United States District Judge

Dated: September 23, 2014 /s/ George H. Wu
United States District Judge

Dated: September 23, 2014 /s/ John W. Lungstrum
United States District Judge

Dated: September 23, 2014 /s/ James P. O'Hara
United States Magistrate Judge