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IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, FLORIDA

U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE  
FOR THE CERTIFICATEHOLDERS CITIGROUP MORTGAGE  
LOAN TRUST INC. ASSET-BACKED PASS-THROUGH  
CERTIFICATES SERIES 2007-AHL3,

Plaintiff,

Case No. 08-7747-CI-13

v.

NELLIE M. PEMBERTON, *et. al.*

Defendants.

\_\_\_\_\_ /

**ORDER REGARDING MOTION TO COMPEL DISCOVERY**

THIS CAUSE, having come before the Court on June 7, 2012 on Defendant's Motion to Compel Answers to Interrogatories and Motion to Compel Better Responses to Request for Production, and the Court, being duly advised in the premises, it is hereby;

ORDERED AND ADJUDGED as follows:

1. Plaintiff's counsel noticed the hearing on the above-stated motions, to take place on June 7, 2012 at 8:45 a.m. Even though this Court gave Plaintiff's counsel the courtesy of appearing by phone, nobody appeared for Plaintiff as the hearing began, via telephone or otherwise. As such, the Court and Defendant's counsel, Mark P. Stopa, Esq., waited for someone to appear. Meanwhile, the Court's assistant called Plaintiff's counsel to try to procure the attendance of an attorney. For several minutes, no such attorney was available. Finally, shortly before this Court's 9:00 hearing in another matter was scheduled to begin, an attorney named Gavin MacMillan got on the phone. By his own admission, he had no familiarity with this case and was not prepared to argue the motions that had been scheduled, as perhaps best reflected by his statement that he thought the hearing was on a Motion to Compel Sale, not two

motions to compel discovery. Though Mr. MacMillan argued that foreclosure cases are often “routine,” the only thing the Court finds “routine” is the banking industry’s failure to comply with discovery in foreclosure cases and its failure to attend duly-noticed hearings.

2. The hearing on the above-stated motions shall be re-scheduled to take place within the next 60 days (to be noticed under separate cover). Under the circumstances, the Court directs a corporate representative of Plaintiff to personally attend this hearing. Likewise, Plaintiff’s counsel shall personally attend this hearing.

3. The Court reserves ruling on any fees to be awarded in connection with the motions or the rescheduling of this hearing.

DONE AND ORDERED in Chambers in St. Petersburg, Pinellas County, Florida on this \_\_\_\_ day of June, 2012.

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| ORIGINAL SIGNED                             |
| JUN 08 2012                                 |
| ANTHONY RONDOLINO                           |
| Circuit Court Judge JUDGE ANTHONY RONDOLINO |

cc: Mark P. Stopa, Esq.  
David Massey, Esq.