

1 Greg S. Como (State Bar No.: 013187)
como@lbbslaw.com
2 Kristen DeWitt-Lopez (State Bar No.: 024245)
dewitt-lopez@lbbslaw.com
3 **LEWIS BRISBOIS BISGAARD & SMITH LLP**
Phoenix Plaza Tower II
4 2929 North Central Avenue, Suite 1700
Phoenix, Arizona 85012-2761
5 Telephone: (602) 385-1040
Facsimile: (602) 385-1051
6 *Attorneys for Hebets & Maguire, LLC*

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10 **IN THE UNITED STATES BANKRUPTCY COURT**
11 **FOR THE DISTRICT OF ARIZONA**

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14 In re:
15 MORTGAGES, LTD.,
16 Debtor.

In Proceedings Under Chapter 11
Case No. 2:08-bk-07465-RJH

**STIPULATED MOTION FOR
PROTECTIVE ORDER RE:
PRODUCTION OF DOCUMENTS
BY HEBETS & MAGUIRE, LLC AND
SHELLEY HARTSUIKER PURSUANT
TO COURT ORDER**

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22 Pursuant to Rules 2004 and 9018 of the Federal Rules of Bankruptcy Procedure and
23 Rules 26(c) and 45(d)(2) of the Federal Rules of Civil Procedure, Kevin T. Halloran, as
24 Trustee of the ML Liquidating Trust (hereinafter, "Liquidating Trust"), and Hebets &
25 Maguire, LLC and Shelley Hartsuiker (hereinafter collectively referred to as "H&M"),
26 through counsel, hereby submit the following stipulated motion for entry of a protective
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1 order to govern H&M's production of documents and other information in the above-
2 referenced proceedings. Pursuant to 45 C.F.R. § 164.512(e)(1)(v), the aforementioned
3 parties affirm that they have the authority to submit this stipulated motion to the Court and
4 that this Court has the authority to enter a protective order regarding the use of the records
5 of a third party who is not a party to this action.
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7 The Liquidating Trustee served upon non-party H&M the Orders set forth as
8 Exhibit 1 hereto (the "2004 Examination Orders"). [Docket Nos. 2392 and 2393]. H&M
9 contends that documents responsive to the 2004 Examination Orders are the confidential
10 information of H&M and include confidential information about Scott Coles, the former
11 President and CEO of the Debtor. In order to facilitate the production of responsive
12 documents and to protect the legitimate confidentiality interests of H&M and the Coles
13 family, the parties have entered into the following stipulation and ask that the Court enter
14 the order set forth in Exhibit 2, attached hereto (the "Protective Order").
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17 1. Confidential Information: The phrase "confidential information" shall
18 mean proprietary, private, sensitive, or competitive information that could cause Hebets &
19 Maguire, or the family of Scott Coles competitive disadvantage, public embarrassment, or
20 other significant inconvenience if disclosed. It shall also include information protected by
21 applicable state and federal privacy laws, including, but not limited to, Federal Rule of
22 Evidence 408, Health Insurance Portability and Accountability Act (Pub. Law No. 104-191
23 §§ 262, 264; 45 C.F.R. §§ 160-164) and the Graham-Leach-Bliley Act (15 U.S.C. §§ 6801
24 et seq.). Confidential Information may consist of documents or other information in
25 tangible or electronic form. In the event any person is deposed or gives testimony in this
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1 case concerning the Confidential Information, the provisions of the Protective Order shall
2 apply to the transcript thereof.

3 2. Production of Confidential Information: The parties agree that non-party
4 H&M will produce the records requested, so long as any personally identifiable
5 information (other than name), including addresses, telephone numbers, dates of birth and
6 social security numbers, is redacted if it is to be further disseminated by or at the direction
7 of the Liquidating Trustee. Notwithstanding the foregoing, the Liquidating Trustee shall
8 have the right to disseminate such information in its original form and without redaction to
9 its attorneys and advisors, so long as such attorneys and advisors are provided with a copy
10 of the Protective Order and agree to be bound by its provisions to keep such information
11 confidential.

12 3. Non-Production of Certain Information and Preservation of Right to
13 Challenge: H&M believes certain documents set forth on the Privilege Log attached
14 hereto as Exhibit 3, and incorporated herein by this reference, are protected from
15 production by Arizona Rule of Evidence 408 and A.R.S. § 12-2238. The parties agree that
16 H&M's current non-production of the documents listed on Exhibit 3 shall not constitute a
17 violation of the 2004 Examination Orders. The parties further agree that nothing contained
18 herein shall limit or waive the Liquidating Trustee's right to challenge the privilege
19 asserted as to any document(s) listed on Exhibit 3 and move the Court for an order
20 requiring the production of such document(s) at a later date.

21 4. Designation of Confidential Information: At the time H&M produces
22 documents pursuant to the 2004 Examination Orders, H&M shall designate all information
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1 it deems to be confidential as "Confidential" by (1) placing such designation
2 conspicuously on the information, in the case of a document; and (2) stating the
3 designation on the deposition or hearing/trial record, in the case of testimony from a
4 representative, agent, or employee of H&M.
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6 5. Use of Confidential Information: The parties stipulate and agree that they
7 will use the Confidential Information solely for purposes of these proceedings, including
8 any adversary proceedings that may be filed in the future. In so stipulating, no party
9 waives his/her/their rights to request that particularly sensitive documents be sealed and
10 not be made a part of any public record. Further, no party waives his/her/their rights to
11 claim privilege pursuant to Rules 26(b)(5) and 45(d)(2) of the Federal Rules of Civil
12 Procedure. In addition, nothing contained herein shall limit or waive the Liquidating
13 Trustee's right to request the Court's authorization to allow the disclosure and/or use of
14 any information or documentation produced in accordance with the 2004 Examination
15 Orders for the purposes of any existing or future judicial proceedings.
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18 6. Destruction of Confidential Information: At such time as all of the matters
19 under the above-captioned proceedings have been concluded, all information produced by
20 H&M will be either destroyed or returned to H&M. The word "destroyed" means the
21 destruction of paper documents and any electronic means of storing protected health
22 information regarding Scott Coles. The parties may retain logs of the information that was
23 received and destroyed, including any Bates numbers, for purposes of their law firm's
24 document retention.
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1 7. Challenge to Designation: If any party disputes the designation of any
2 information hereunder, counsel for that party shall first attempt to resolve the dispute as
3 required by the Federal Rules of Civil Procedure. If, after good faith efforts to resolve the
4 dispute have failed, the party challenging the designation may move the Court for a
5 determination of the propriety of the designation.
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7 8. Expert Witnesses: Any expert witnesses or consultants retained by any
8 party to these proceedings are to be provided with a copy of the Protective Order and shall
9 be bound by its provisions, including but not limited to the requirement that any designated
10 Confidential Information produced by H&M be destroyed at the conclusion of all
11 proceedings under this case.
12

13 The undersigned parties respectfully request this Court to enter an order reflecting
14 this Stipulation, in the form set forth as Exhibit 2 hereto.
15

16 RESPECTFULLY SUBMITTED this 6th day of January, 2010.

17 MYERS & JENKINS, P.C.

18
19 By KSP Lopez for
20 William Scott Jenkins
21 Jill M. Hulsizer
22 Attorneys for Kevin T. O'Halloran, Trustee
23 of the ML Liquidating Trust

24 LEWIS BRISBOIS BISGAARD & SMITH, LLP

25 By KSP Lopez
26 Greg Como
27 Kristen DeWitt-Lopez
28 Attorneys for Hebets & Maguire, LLC and
 Shelley Hartsuiker

EXHIBIT 1

IT IS HEREBY ADJUDGED
and DECREED this is SO
ORDERED.

The party obtaining this order is responsible for
noticing it pursuant to Local Rule 9022-1.

Dated: November 10, 2009



1 Myers & Jenkins, P.C.

2 One East Camelback Road
3 Suite 500
4 Phoenix, Arizona 85012

5 (602) 200-7900

6 William Scott Jenkins (#005896)
7 Jill M. Hulsizer (#023282)
8 Attorneys for Kevin T. O'Halloran,
9 Trustee of the ML Liquidating Trust

Randolph J. Haines

RANDOLPH J. HAINES
U.S. Bankruptcy Judge

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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

In re:

MORTGAGES, Ltd.,
Debtor.

In Proceedings Under Chapter 11

Case No.: 2:08-bk-07465-RJH

**ORDER REQUIRING SHELLEY
HARTSUIKER TO PRODUCE
DOCUMENTS PURSUANT TO
RULE 2004, FEDERAL RULES OF
BANKRUPTCY PROCEDURE**

Having reviewed and considered the "*Application for Order Requiring Shelley Hartsuiker To Produce Documents Pursuant To Rule 2004, Federal Rules Of Bankruptcy Procedure*", (the "2004 Application"), filed by Kevin T. O'Halloran, as Trustee of the ML Liquidating Trust, on November 10, 2009, [Docket No. 2383], and good cause appearing therefor,

IT IS HEREBY ORDERED that on or before November 25, 2009, Shelley Hartsuiker shall produce the documents described in the Application for inspection and copying at the law offices of Myers and Jenkins, P.C., One East Camelback, Suite 500, Phoenix, Arizona, 85012, or at such other location, date, and time agreed to by Myers & Jenkins, P.C..

IT IS FURTHER ORDERED that within three (3) days after receiving Notice of the entry of this Order, the ML Liquidating Trust shall serve a copy of this Order on Shelley Hartsuiker.

SIGNED AND DATED ABOVE.

IT IS HEREBY ADJUDGED
and DECREED this is SO
ORDERED.

The party obtaining this order is responsible for
noticing it pursuant to Local Rule 9022-1.

Dated: November 10, 2009



1 Myers & Jenkins, P.C.

2 One East Camelback Road
3 Suite 500
4 Phoenix, Arizona 85012

5 (602) 200-7900

6 William Scott Jenkins (#005896)
7 Jill M. Hulsizer (#023282)
8 Attorneys for Kevin T. O'Halloran,
9 Trustee of the ML Liquidating Trust

Randolph J. Haines

RANDOLPH J. HAINES
U.S. Bankruptcy Judge

10 IN THE UNITED STATES BANKRUPTCY COURT
11 FOR THE DISTRICT OF ARIZONA

12 In re:

13 MORTGAGES, Ltd.,
14 Debtor.

In Proceedings Under Chapter 11

Case No.: 2:08-bk-07465-RJH

**ORDER REQUIRING HEBETS &
MAGUIRE, LLC TO PRODUCE
DOCUMENTS PURSUANT TO
RULE 2004, FEDERAL RULES OF
BANKRUPTCY PROCEDURE**

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16 Having reviewed and considered the "*Application for Order Requiring Hebets & Maguire,
17 LLC To Produce Documents Pursuant To Rule 2004, Federal Rules Of Bankruptcy Procedure*", (the
18 "2004 Application"), filed by Kevin T. O'Halloran, as Trustee of the ML Liquidating Trust, on
19 November 10, 2009, [Docket No. 2385], and good cause appearing therefor,

20 IT IS HEREBY ORDERED that on or before November 25, 2009, Hebets & Maguire, LLC
21 shall produce the documents described in the Application for inspection and copying at the law
22 offices of Myers and Jenkins, P.C., One East Camelback, Suite 500, Phoenix, Arizona, 85012, or at
23 such other location, date, and time agreed to by Myers & Jenkins, P.C..

24 IT IS FURTHER ORDERED that within three (3) days after receiving Notice of the entry of
25 this Order, the ML Liquidating Trust shall serve a copy of this Order on Hebets & Maguire, LLC.

26 SIGNED AND DATED ABOVE.
27

EXHIBIT 2

1 Greg S. Como (State Bar No.: 013187)
como@lbbslaw.com
2 Kristen DeWitt-Lopez (State Bar No.: 024245)
dewitt-lopez@lbbslaw.com
3 **LEWIS BRISBOIS BISGAARD & SMITH LLP**
Phoenix Plaza Tower II
4 2929 North Central Avenue, Suite 1700
Phoenix, Arizona 85012-2761
5 Telephone: (602) 385-1040
Facsimile: (602) 385-1051
6 *Attorneys for Hebets & Maguire, LLC*

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10 **IN THE UNITED STATES BANKRUPTCY COURT**
11 **FOR THE DISTRICT OF ARIZONA**

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14 In re:

15 MORTGAGES, LTD.,

16 Debtor.

In Proceedings Under Chapter 11

Case No. 2:08-bk-07465-RJH

**PROTECTIVE ORDER RE:
PRODUCTION OF DOCUMENTS
BY HEBETS & MAGUIRE, LLC AND
SHELLEY HARTSUIKER PURSUANT
TO COURT ORDER**

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22 Pursuant to Rules 2004 and 9018 of the Federal Rules of Bankruptcy Procedure and
23 Rules 26(c) and 45(d)(2) of the Federal Rules of Civil Procedure, and based upon the
24 Stipulated Motion of Kevin T. Halloran, as Liquidating Trustee of the ML Liquidating
25 Trust (the "Liquidating Trustee"). and Hebets & Maguire, LLC and Shelley Hartsuiker
26 (hereinafter collectively referred to as "H&M") for Protective Order Re: Production of
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1 Documents by Hebets & Maguire, LLC and Shelley Hartsuiker Pursuant to Court Order
2 (“Motion”).

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4 **IT IS HEREBY ORDERED** granting the Stipulated Motion and entering the
5 following Protective Order to govern confidential information produced by H&M, or either
6 of them, in response to the 2004 Examination Orders (as defined in the Motion) that the
7 Liquidating Trustee has served upon non-party H&M.

8
9 **PROTECTIVE ORDER**

10 1. Confidential Information: The phrase “confidential information” shall
11 mean proprietary, private, sensitive, or competitive information that could cause Hebets &
12 Maguire, or the family of Scott Coles competitive disadvantage, public embarrassment, or
13 other significant inconvenience if disclosed. It shall also include information protected by
14 applicable state and federal privacy laws, including, but not limited to, Health Insurance
15 Portability and Accountability Act (Pub. Law No. 104-191 §§ 262, 264; 45 C.F.R. §§ 160-
16 164) and the Graham-Leach-Bliley Act (15 U.S.C. §§ 6801 et seq.). Confidential
17 Information may consist of documents or other information in tangible or electronic form.
18 In the event any person is deposed or gives testimony in this case concerning the
19 Confidential Information, the provisions of this Protective Order shall apply to the
20 transcript thereof.

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23 2. Production of Confidential Information: The parties agree that non-party
24 H&M will produce the records requested, so long as any personally identifiable
25 information (other than name), including addresses, telephone numbers, dates of birth and
26 social security numbers, is redacted if further disseminated by or at the direction of the
27

1 Liquidating Trustee. Notwithstanding the foregoing, the Liquidating Trustee shall have
2 the right to disseminate such information in its original form without redaction to its
3 attorneys and advisors, so long as such attorneys and advisors are provided with a copy of
4 the Protective Order and agree to be bound by its provisions to keep such information
5 confidential.
6

7 3. Non-Production of Certain Information and Preservation of Right to
8 Challenge: H&M believes certain documents set forth on the Privilege Log attached
9 hereto as Exhibit 3, and incorporated herein by this reference, are protected from
10 production by Arizona Rule of Evidence 408 and A.R.S. § 12-2238. The parties agree that
11 H&M's current non-production of the documents listed on Exhibit 3 shall not constitute a
12 violation of the 2004 Examination Orders. The parties further agree that nothing contained
13 herein shall limit or waive the Liquidating Trustee's right to challenge the privilege
14 asserted as to any document(s) listed on Exhibit 3 and move the Court for an order
15 requiring the production of such document(s) at a later date.
16

17 4. Designation of Confidential Information: At the time H&M produces
18 documents pursuant to the 2004 Examination Orders, H&M shall designate all information
19 it deems to be confidential as "Confidential" by (1) placing such designation
20 conspicuously on the information, in the case of a document; and (2) stating the
21 designation on the deposition or hearing/trial record, in the case of testimony from a
22 representative, agent, or employee of H&M.
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25 5. Use of Confidential Information: The parties stipulate and agree that they
26 will use the Confidential Information solely for purposes of these proceedings, including
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1 any adversary proceedings that may be filed in the future. In so stipulating, no party
2 waives his/her/their rights to request that particularly sensitive documents be sealed and
3 not be made a part of the public record. Further, no party waives his/her/their rights to
4 claim privilege pursuant to Rules 26(b)(5) and 45(d)(2) of the Federal Rules of Civil
5 Procedure. In addition, nothing contained herein to the contrary shall limit or waive the
6 Liquidating Trustee's right to request the Court's authorization to allow the disclosure
7 and/or use of any information or documentation produced in accordance with the 2004
8 Examination Orders for the purposes of any existing or future judicial proceedings.
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11 6. Destruction of Confidential Information: At such time as all of the matters
12 in the above-captioned pleadings have been concluded, all information produced by H&M
13 will be either destroyed or returned to H&M. The word "destroyed" means the destruction
14 of paper documents and any electronic means of storing protected health information
15 regarding Scott Coles. The parties may retain logs of the information that was received
16 and destroyed, including any Bates numbers, for purposes of their law firm's document
17 retention.
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20 7. Challenge to Designation: If any party disputes the designation of any
21 information hereunder, counsel for that party shall first attempt to resolve the dispute as
22 required by the Federal Rules of Civil Procedure. If, after good faith efforts to resolve the
23 dispute have failed, the party challenging the designation may move the Court for a
24 determination of the propriety of the designation.
25

26 8. Expert Witnesses: Any expert witnesses or consultants retained by any
27 party to these proceedings are to be provided with a copy of this Protective Order and are
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1 bound by its provisions, including but not limited to the requirement that any designated
2 Confidential Information produced by H&M be destroyed at such time as all of the matters
3 in the above-captioned proceedings have been concluded.
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6 DATED this __ day of _____, _____.

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9 _____
10 Honorable Randolph J. Haines
11 Bankruptcy Judge
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EXHIBIT 3

PRIVILEGE LOG FOR DOCUMENTS PRODUCED BY HEBETS & MAGUIRE

PAGE NUMBERS	DATE	BRIEF DESCRIPTION	PRIVILEGE ASSERTED
H&M 00953	12/29/2008	Email message from Michelle Mahan ("Mahan") on behalf of James Hebets ("Hebets"), to Jerome Elwell, Warner Angle Hallam Jackson & Formanek PLC, attorneys for Francine Coles, Zachary Coles, Haley Coles, Samuel Coles and the Coles Children's Trust ("Elwell") and C. Bradley Vynalek, Quarles & Brady, LLP, attorneys for Ashley Coles ("Vynalek")	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 00954 through H&M 00959	12/26/2008 through 12/29/2008	Various email messages among Mahan, Nancy Wysner ("Wysner") on behalf of Hebets and Darcy L. Rose of Northern Trust ("Rose")	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 00960 through H&M 00971	11/10/2008 through 12/23/2008	Various email messages among Wysner, Hebets, Vynalek, Mahan, Elwell, Shelby Lyons of MetLife ("Lyons") and Mahan	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 00972 through H&M 00976	12/18/2008 through 12/22/2008	Various email messages among Vynalek, Elwell, Wysner, Mahan, Lester, Cathy L. Knapp, Quarles & Brady, LLP, attorneys for Ashley Coles ("Knapp") and Hebets	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 00977 through H&M 00984	12/19/2008	Email message from Mahan to Rose with copies to Wysner, Lester and Hebets	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 00985 through H&M 00986	11/22/2008 through 11/24/2008	Various email messages among Sherry McKinnon ("McKinnon") on behalf of Hebets, Wysner, Elwell, Vynalek, Hebets,	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12-2238

H&M 00987 through H&M 00988	11/17/2008	Francine Coles ("Francine"), Gerald Smith, Personal Representative of the Estate of Scott Coles ("Smith"), Greg MacNabb ("MacNabb") and Darrin Jeffries ("Jeffries") and Plattner Schneiderman and Schneider, P.C., attorneys for Smith	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12- 2238
H&M 00994 through H&M 00997	10/23/2008	Email message from Wysner to Vynalek, with copies to Hebets, Mahan and Lester	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12- 2238
H&M 01001 through H&M 01003	10/23/2008	Various email messages among Elwell, Smith, Hebets, Francine, Jeffries, McKinnon, Wysner and MacNabb	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12- 2238
H&M 01009 through H&M 010012	10/15/2008	Email message from Wysner to Hebets, Lester and Mahan	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12- 2238
H&M 01013 through H&M 01015	10/15/2008	Various email messages among Wysner, Jeffries, Kim Canedy ("Canedy") and Patrick Derksen ("Derksen), Plattner Schneiderman and Schneider, P.C., attorneys for Smith, MacNabb, Elwell, Hebets, Lester, Mahan	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12- 2238
H&M 01019 through H&M 01020	9/15/2008 through 9/16/2008	Various email messages among Wysner, Jeffries, Canedy, Derksen, MacNabb, Elwell, Hebets, Lester, Mahan	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12- 2238
H&M 01032	7/31/2008	Email message from Wysner to Elwell and Lester	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12- 2238
H&M 01052	6/17/2008	Email message from Wysner to Les Plattner	Confidential Mediation Communications—

H&M 01064 through H&M 01065	5/20/2008	("Plattner"), Plattner, Schneidman & Schneider, P.C., attorneys for Smith Email message from Wysner to Plattner	Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 01066 through H&M 01069	8/24/2009	Various email messages among Wysner, Elwell, Vynalek, Knapp, Mahan and Kirk McCarville, attorney for Smith	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 01070 through H&M 01073	8/12/2009	Various email messages among Vynalek, Mahan, Rose, McKinnon and Sonia Pedro ("Pedro") of Northern Trust	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 01074 through H&M 01075	8/10/2009	Various email messages among Wysner, McKinnon, Vynalek, Elwell, Hebets, Knapp and James Ryan ("Ryan"), Frazier Ryan Goldberg & Arnold, guardian ad litem for Samuel Coles and Zachary Coles	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 01076 through H&M 01077	7/13/2009 through 7/20/2009	Various email messages among Wysner, Elwell, Vynalek, McKinnon and Hebets	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 01078 through H&M 01079	5/1/2009	Various email messages among McKinnon, Hebets, Vynalek, Ryan, Elwell, McCarville, Peter Ambelang ("Ambelang") and Vicki Maclean (Maclean"), Warner Angle Hallam Jackson & Formanek PLC, attorneys for Francine Coles, Zachary Coles, Haley Coles, Samuel Coles and the Coles Children's Trust	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 01080	6/15/2009	Various email messages among Wysner, Elwell, MacNabb, Jeffries, Plattner and Derksen	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 01083	6/1/2009	Various email messages among Wysner,	Confidential Mediation Communications—

through H&M 01088	through 6/16/2009	Elwell, Vynalek, Hebets, Mahan, Jeffries, Plattner, MacNabb and Derksen	Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 01089 through H&M 01092	5/1/2009 through 6/11/2009	Various email messages among Maclean, Elwell, McKinnon, Hebets, Vynalek, Ambelang and Ryan	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 01093 through H&M 01096	6/1/2009 through 6/3/2009	Various email messages among Vynalek, Elwell, Wysner, Hebets and Mahan	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 01097 through H&M 01098	5/22/2009	Various email messages among Vynalek, Hebets, Wysner, Mahan Elwell and Knapp	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 01099	5/21/2009	Various email messages among Vynalek, Hebets, Knapp, McKinnon and Wysner	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 01100	5/13/2009	Email message from Wysner to Elwell	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 01102 through H&M 01134	5/5/2009	Various email messages among McKinnon, Wysner, Knapp, Elwell, Ambelang, Ryan and Hebets	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 01135 through H&M 01136	5/1/2009	Various email messages among Maclean, Wysner, McKinnon, Vynalek, Ambelang, Ryan, Hebets and Elwell	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 01142 through H&M 01143	2/4/2009	Email message from Wysner to Elwell, Mahan and Lester	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 01144 through H&M 01170	1/8/2009	Various email messages from Maclean to Wysner and Elwell	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 01701	2/3/2009	Various email messages among Wysner, Jim	Confidential Mediation Communications—

through H&M 01708	through 3/10/2009	Smith of Transamerica ("Smith"), Elwell, Vynalek and Hebets	Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 01709 through H&M01715	2/3/2009 through 04/22/2009	Various correspondence between Wysner and Smith	Confidential Mediation Communications—Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 01716 through H&M 01722	1/19/2009 through 4/21/2009	Various email messages among Elwell, Hebets, Vynalek, Wysner, Smith, Lester and Mahan	Confidential Mediation Communications—Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 01723 through H&M 01731	1/19/2009 through 1/20/2009	Various email messages among Elwell, Hebets, Vynalek, Wysner, Smith, Lester and Mahan	Confidential Mediation Communications—Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 01734 through H&M 01735	10/10/2008	Various email messages among Jack Westwood, Hebets and Wysner	Confidential Mediation Communications—Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 01757	Unknown	Handwritten notes	Confidential Mediation Communications—Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 01182 through H&M 01187	12/18/2008 through 12/22/2008	Various email messages among Elwell, Vynalek, Mahan, Lester, Wysner and Hebets	Confidential Mediation Communications—Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 01191 through H&M 01193	10/10/2008	Various email messages among Elwell, Vynalek, Mahan, Lester, Wysner, Phillip Evans ("Evans") of AIG and Hebets	Confidential Mediation Communications—Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 01208 and H&M 01209	8/28/2008	Attachment to email message between Lester and Evans	Confidential Mediation Communications—Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 01318 through H&M 01327	4/24/2009 through 6/17/2009	Various email messages among Elwell, Wysner, Maclean, Sheryl Rubin of John Hancock ("Rubin")	Confidential Mediation Communications—Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 01328	5/1/2009	Email message from Maclean to Elwell,	Confidential Mediation Communications—

H&M 01329 through H&M 01343	4/24/2009	Wysner, Hebets, Ambelang, Vynalek and Ryan	Arizona Rule of Evidence 408 and A.R.S. §12- 2238
H&M 01344 through H&M 01345	4/21/2009 through 4/22/2009	Correspondence from Wysner to Rubin Various email messages between Elwell and Wysner	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12- 2238
H&M 01348 through H&M 01350	2/27/2009 through 4/1/2009	Various email messages among Wysner, Elwell, Hebets, Joseph Donovan ("Donovan") and Carolyn Pritchard ("Pritchard") of John Hancock	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12- 2238
H&M 01358 through H&M 01362	2/27/2009	Various email messages among Wysner, Elwell, Hebets, Donovan, Pritchard and Phil Visnansky of Warner Angle Hallam Jackson & Formanek, PLC ("Visnansky")	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12- 2238
H&M 01363 through H&M 01370	12/18/2009 through 1/6/2009	Various email messages among Wysner, Elwell, Hebets, Donovan, Pritchard, Vynalek, Knapp, Mahan and Lester	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12- 2238
H&M 01371 through H&M 01389	3/28/2009 through 3/31/2009	Various email messages among Wysner, Elwell, Hebets, Vynalek, Knapp, Mahan, Lester and William Demlong, attorney for John Hancock	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12- 2238
H&M 01390 through H&M 01401	12/18/2008 through 12/23/2008	Various email messages among Wysner, Elwell, Hebets, Rubin, Vynalek, Mahan and Lester	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12- 2238
H&M 01426 through H&M 01431	04/07/2009 through 05/13/2009	Various email messages among Elwell, Wysner, Hebets, McKinnon and Vynalek	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12- 2238
H&M 01432	01/15/2009	Various email messages among Wysner,	Confidential Mediation Communications—

through H&M 01436	through 01/31/2009	Vynalek, Hebets, Lester, Knapp, Mahan, Elwell and Lewis Beers, General Counsel for MetLife ("Beers")	Arizona Rule of Evidence 408 and A.R.S. §12- 2238
H&M 01437 through H&M 01455	12/30/2008 through 01/27/2009	Various email messages among Wysner, Vynalek, Hebets, Lester, Knapp, Mahan, Elwell, Beers and Shelby Lyons of MetLife ("Lyons")	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12- 2238
H&M 01466 through H&M 01479	11/17/2008 through 12/29/2008	Various email messages among Wysner, Vynalek, Hebets, Lester, Knapp, Mahan and Lyons	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12- 2238
H&M 01480 through H&M 01486	11/17/2008 through 12/23/2008	Various email messages among Wysner, Vynalek, Hebets, Lester, Knapp, Mahan and Lyons	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12- 2238
H&M 01487 through 01504	11/10/2008 through 12/22/2008	Various email messages and correspondence among Wysner, Vynalek, Hebets, Lester, Knapp, Mahan and Lyons	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12- 2238
H&M 01569 through H&M 01578	12/18/2008 through 5/22/2009	Various correspondence and email messages among Wysner, Vynalek, Hebets, Elwell and Barbara Sweatt of Pacific Life ("Sweatt")	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12- 2238
H&M 01580 through H&M 01586	11/19/2008 through 12/18/2008	Various email messages among Wysner, Vynalek, Hebets, Elwell and Sweatt	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12- 2238
H&M 01595 through H&M 01596	7/27/2009 through 7/30/2009	Various email messages among Wysner, Vynalek, Hebets and Elwell	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12- 2238
H&M 01658 through H&M 01661	8/4/2009	Various email messages among Wysner and McCarville	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12- 2238
H&M 01251 through H&M	2/2/2009 through	Various email messages and correspondence among McCarville, Wysner, Vynalek,	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12-

01258	08/04/2009	Coleman, Elwell, Hebets and Phillip Evans, Jr. of AIG ("Evans")	2238
H&M 01259 through H&M 01318	12/18/2008 through 12/22/2008	Various email messages and correspondence among Wysner, Vynalek, Elwell, Knapp, Evans, Hebets, Lester and Mahan	Confidential Mediation Communications—Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 01319 through 01328	06/17/2009 through 05/1/2009	Various email messages among Wysner, Sheryl Rubin of John Hancock ("Rubin"), Maclean, Vynalek, Ambelang, Elwell and McKinnon	Confidential Mediation Communications—Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 01350 through H&M 01352	04/1/2009	Correspondence from Wysner to Joe Donovan of John Hancock ("Donovan")	Confidential Mediation Communications—Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 01353 through H&M 01354	03/30/2009	Various email messages among Wysner, Elwell and Hebets	Confidential Mediation Communications—Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 01355 through H&M 01362	2/27/2009	Various email messages among Elwell, Wysner, Hebets, Donovan, McKinnon and Visnansky	Confidential Mediation Communications—Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 01363 through H&M 01367	12/18/2008 through 1/6/2009	Various email messages among Donovan, Wysner, Mahan, Rubin and Lester	Confidential Mediation Communications—Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 01368 through H&M 01370	12/18/2008 through 12/22/2008	Various email messages among Vynalek, Wysner, Hebets, Mahan, Lester, Elwell and Knapp	Confidential Mediation Communications—Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 01371 through H&M 01389	03/27/2009 through 03/31/2009	Various email messages among Vynalek, Wysner, Hebets, Elwell, Rubin and Demlong	Confidential Mediation Communications—Arizona Rule of Evidence 408 and A.R.S. §12-2238
H&M 01390 through H&M 01399	12/22/2008 through 12/23/2008	Various email messages and correspondence among Wysner, Elwell, Mahan, Lester, Rubin and Knapp	Confidential Mediation Communications—Arizona Rule of Evidence 408 and A.R.S. §12-2238

H&M 01400 through H&M 01420	11/18/2008 through 12/18/2008	Various email messages among Elwell, Mahan, Vynalek, Hebets, Lester, Rubin	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12- 2238
H&M 01421 through H&M 01423	07/15/2009	Correspondence among McCarville, Elwell, Vynalek, Hebets and Jeffries	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12- 2238
H&M 01424 through H&M 01425	06/2/2009 through 06/3/2009	Various email messages among Vynalek, Wysner, Hebets, Mahan and Elwell	Confidential Mediation Communications— Arizona Rule of Evidence 408 and A.R.S. §12- 2238