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10 Attorneys for Kevin T. O'Halloran,  
11 Trustee of the ML Liquidating Trust

12 **IN THE UNITED STATES BANKRUPTCY COURT**  
13 **FOR THE DISTRICT OF ARIZONA**

14 In re:

15 MORTGAGES, Ltd.,

16 Debtor.

In Proceedings Under Chapter 11

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

**NOTICE OF LODGING  
STIPULATED PROTECTIVE  
ORDER RE PRODUCTION OF  
DOCUMENTS PURSUANT TO  
ORDER REQUIRING CBIZ  
ACCOUNTING, TAX & ADVISORY  
OF PHOENIX, LLC TO PRODUCE  
DOCUMENTS PURSUANT TO RULE  
2004, FEDERAL RULES OF  
BANKRUPTCY PROCEDURE**

17 Kevin T. O'Halloran ("Liquidating Trustee"), as Trustee of the ML Liquidating Trust  
18 ("Liquidating Trust") files this notice that it has lodged a "*Stipulated Protective Order re Production*  
19 *of Documents Pursuant to Order Requiring CBIZ Accounting, Tax & Advisory of Phoenix, LLC to*  
20 *Produce Documents Pursuant to Rule 2004, Federal Rules of Bankruptcy Procedure*", a copy of  
21 which is attached hereto as **Exhibit A**.

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RESPECTFULLY SUBMITTED this 28th day of April, 2010.

**MYERS & JENKINS, P.C.**

/s/ William Scott Jenkins  
William Scott Jenkins  
Jill M Hulsizer  
Attorneys for Kevin T. O'Halloran,  
Trustee of the ML Liquidating Trust

ORIGINAL of the foregoing electronically  
filed this 28th day of April, 2010, with:

Clerk, United States Bankruptcy Court  
District of Arizona  
230 N. First Avenue, Suite 101  
Phoenix, AZ 85003-1706  
<https://ecf.azb.uscourts.gov>

COPY of the foregoing emailed this same  
date to the following parties:

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Jones Day  
North Point  
901 Lakeside Avenue  
Cleveland, Ohio 44114  
[dfadler@jonesday.com](mailto:dfadler@jonesday.com)  
Attorneys for CBIZ Accounting, Tax &  
Advisory of Phoenix, LLC

By /s/ Alice Herdrich

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11 Trustee of the ML Liquidating Trust

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13 **FOR THE DISTRICT OF ARIZONA**

14 In re:

15 MORTGAGES, Ltd.,  
16 Debtor.

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

19 **STIPULATED PROTECTIVE  
20 ORDER RE PRODUCTION OF  
21 DOCUMENTS PURSUANT TO  
22 ORDER REQUIRING CBIZ  
23 ACCOUNTING, TAX & ADVISORY  
24 OF PHOENIX, LLC TO PRODUCE  
25 DOCUMENTS PURSUANT TO RULE  
26 2004, FEDERAL RULES OF  
27 BANKRUPTCY PROCEDURE**

20 IT IS HEREBY STIPULATED AND AGREED by and between ML Liquidating Trust and  
21 CBIZ Accounting, Tax & Advisory of Phoenix, LLC (collectively, the "Parties") through their  
22 undersigned counsel of record as follows:

23 WHEREAS, on March 15, 2010, Kevin T. O'Halloran, as Trustee of the ML Liquidating  
24 Trust, filed an "*Application for Order Requiring CBIZ Accounting, Tax & Advisory of Phoenix, LLC*  
25 *to Produce Documents Pursuant to Rule 2004, Federal Rules of Bankruptcy Procedure*" (the "2004  
26 Application") [Docket No. 2683] in the above captioned matter,  
27

1           WHEREAS, on March 16, 2010, this Court entered an "*Order Requiring CBIZ Accounting,*  
2 *Tax & Advisory of Phoenix, LLC to Produce Documents Pursuant to Rule 2004, Federal Rules of*  
3 *Bankruptcy Procedure*" (the "2004 Order") [Docket No. 2694],

4           WHEREAS, the 2004 Application does, and future discovery requests might, seek production  
5 of documents and disclosure of other evidence or testimony by CBIZ Accounting, Tax & Advisory of  
6 Phoenix, LLC regarding accounting, tax and auditing services, if any, rendered by CBIZ Accounting,  
7 Tax & Advisory of Phoenix, LLC to or for the benefit of Mortgages, Ltd., now known as ML  
8 Servicing Co., Inc., including, among other things, if any, work papers, and audit programs.

9           WHEREAS, it is the desire of CBIZ Accounting, Tax & Advisory of Phoenix, LLC to comply  
10 with the 2004 Order and rules applicable to this proceeding, subject to any objections it might assert,  
11 and at the same time protect and preserve its rights and interests, including, without limitation, all  
12 privileges, rights of privacy and proprietary interests, which are recognized by the law,

13           IT IS HEREBY STIPULATED as follows.

14           1.     The production or disclosure of any document, tangible thing, testimony, evidence or  
15 information by CBIZ Accounting, Tax & Advisory of Phoenix, LLC in the course of the above  
16 captioned action shall be without prejudice to any claim that such material is privileged as  
17 confidential or proprietary business information. CBIZ Accounting, Tax & Advisory of Phoenix,  
18 LLC shall not be held to have waived any privilege, right or interest which might be applicable by  
19 any production or disclosure in this case. CBIZ Accounting, Tax & Advisory of Phoenix, LLC shall  
20 indicate at or before the time of disclosure that it asserts documents or information are confidential by  
21 marking it "Confidential Subject to Protective Order" or putting some other similar designation  
22 thereon.  
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1           2.     Upon application of any party, and for good cause shown, the Protective Order entered  
2 upon this Stipulation may be modified. Any of the Parties may challenge the designation as  
3 confidential of any documents, tangible thing, testimony, evidence or information by motion filed  
4 with the court. Pending decision on the motion, the document, tangible thing, testimony, evidence or  
5 information shall be treated as confidential pursuant to the terms of this Protective Order.  
6

7           3.     All documents and tangible things produced pursuant to the 2004 Order and  
8 designated as "Confidential Subject to Protective Order" shall be used for the purpose of the above  
9 captioned action only, including, but not limited to, an adversary action commenced thereon, absent  
10 CBIZ Accounting, Tax & Advisory of Phoenix, LLC's consent or order of a court. No document,  
11 tangible thing, testimony or information produced or disclosed and designated as confidential may be  
12 introduced into evidence in any other proceeding by any person subject to the provisions of this  
13 Protective Order without CBIZ Accounting, Tax & Advisory of Phoenix, LLC's consent or order of  
14 the Court. However, such documents, tangible things, testimony, evidence or information may be  
15 used in any other litigation between the Parties hereto, subject to the same conditions and restrictions  
16 set forth in this Protective Order.  
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18           4.     All documents and tangible things produced pursuant to the 2004 Order shall be made  
19 available only to Qualified Persons. The term "Qualified Persons" as used herein shall mean:

- 20                   (a)     Counsel, and support staff of counsel, for the ML Liquidating Trust and/or ML  
21                   Servicing Co., Inc.;
- 22                   (b)     Prospective counsel, and support staff of prospective counsel, for the ML  
23                   Liquidating Trust and/or ML Servicing Co., Inc.;
- 24                   (c)     Experts retained by ML Liquidating Trust and/or ML Servicing Co., Inc., in the  
25                   course of any action and/or any litigation between the Parties (including  
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experts retained as consultants for preparation, evaluation and investigatory purposes, as well as experts retained to testify at any trial, hearing or other proceeding in such action);

- (d) The Parties or representatives of those Parties who may be called as a witness at any trial, deposition, hearing or other proceeding in such action and/or any litigation between the Parties, provided, however, that any such representative must be or have been at the relevant time an officer or employee of the Party and not a third-party witness unless such third party witness is an expert authorized by subparagraph (c) above;
- (e) The Court or any personnel engaged to assist the Court in connection with any proceeding in such action;
- (f) Any other person to whom the Parties may hereafter agree in writing; and
- (g) Any member or employee of ML Liquidating Trust and/or ML Servicing Co., Inc. that is reasonably necessary to the respective Parties' handling of this matter.

5. Any document, tangible thing or information produced pursuant to the 2004 Order which may subsequently be sought to be filed or introduced in the action or any other litigation between the Parties must be filed or introduced under seal. Counsel for the respective Parties shall be directed to place any documents to be filed under seal with the Clerk of the Court in an envelope marked "Sealed" and to file said documents directly with the Court.

6. CBIZ Accounting, Tax & Advisory of Phoenix, LLC will meet any requirement to show, prove or establish the confidential nature or any other particularized showing necessary to file or introduce a document, tangible thing, or information produced pursuant to this stipulation under

1 seal, whether filed or introduced under seal by the ML Liquidating Trust, ML Servicing Co., Inc., or  
2 CBIZ Accounting, Tax & Advisory of Phoenix, LLC.

3 7. Each Qualified Person under paragraphs 6(b), 6(c), 6(d), and 6(e) above to whom any  
4 document, tangible thing or information protected by this Protective Order is disclosed shall be  
5 advised that the same is being disclosed pursuant to and subject to the terms of this Protective Order.  
6 He or she shall be advised of the terms of this Protective Order, supplied with a copy thereof, and  
7 advised that the sanctions for any violation of the Protective Order include any penalties which the  
8 Court may impose for contempt. In the event information protected by this Protective Order is  
9 disclosed to such person, other than in a deposition or other proceeding under oath in this matter, such  
10 person shall also execute a declaration in the form set out immediately below, an executed copy of  
11 which shall be retained by counsel of record for the Party who has made such material available to  
12 that person. Such declaration shall be filed with the Court under seal in connection with any  
13 proceeding regarding any claimed violation of this Order.  
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16  
17 DECLARATION

18 I, \_\_\_\_\_, reside at \_\_\_\_\_ and am \_\_[position]\_\_. I  
19 have been provided with a copy of the Protective Order so ordered by the Court on  
20 \_\_\_\_\_. I have read and understand the *Stipulated Protective Order Re:*  
21 *Production of Documents Pursuant to Order Requiring CBIZ Accounting, Tax &*  
22 *Advisory of Phoenix, LLC to Produce Documents Pursuant to Rule 2004, Federal*  
23 *Rules of Bankruptcy Procedure* ("Protective Order") and agree that I shall be bound by  
24 its prohibitions and restrictions unless and until the same are modified or eliminated by  
25 subsequent written agreement of the parties or a further court order. I understand that  
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1 all documents, tangible things and information produced to me pursuant to the  
2 Protective Order are produced under a claim of privilege and/or confidentiality and I  
3 shall maintain the same in confidence, shall not disclose the same to anyone except as  
4 authorized by the Protective Order or by subsequent written agreement of the parties  
5 thereto or a subsequent order of a court, and shall use the same only in connection with  
6 this action or any litigation between the Parties (unless otherwise agreed to in writing  
7 by the parties to the Protective Order or a subsequent order of a court). At the  
8 conclusion of all proceedings, I agree that I will return all documents, tangible things  
9 and information produced pursuant to the Protective Order under a claim of privilege  
10 and/or confidentiality, and all copies thereof and all summaries thereof or written  
11 comments to the person or entity employing me, for further disposition consistent with  
12 the terms of the Protective Order.  
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15 Dated \_\_\_\_\_ By: \_\_\_\_\_  
16

17 8. Upon final termination of this matter or any litigation between the Parties insofar as it  
18 concerns Mortgages, Ltd., nka ML Servicing Co., Inc. or the ML Liquidating Trust, and after the  
19 conclusion of any and all appeals, unless otherwise agreed to in writing by an attorney of record for  
20 CBIZ Accounting, Tax & Advisory of Phoenix, LLC, upon receipt of sixty (60) days prior written  
21 notice from CBIZ Accounting, Tax & Advisory of Phoenix, LLC, ML Liquidating Trust and any  
22 person who is in possession of information protected by this order shall destroy the copies produced  
23 to ML Liquidating Trust or assemble and return all material produced pursuant to this Protective  
24 Order to CBIZ Accounting, Tax & Advisory of Phoenix, LLC CBIZ Accounting, Tax & Advisory of  
25 Phoenix, LLC shall acknowledge receipt of such material in writing within thirty (30) days of such  
26 receipt.  
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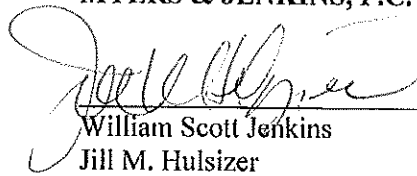


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9. No part of the provisions of the Protective Order entered upon this Stipulation may be terminated, except by written stipulation executed by counsel, or by subsequent Order of the Court. The termination of this bankruptcy proceeding shall not terminate the effectiveness of this Protective Order.

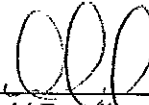
Dated this 28<sup>th</sup> day of April, 2010.

MYERS & JENKINS, P.C.



William Scott Jenkins  
Jill M. Hulsizer  
Attorneys for Kevin T. O'Halloran,  
Trustee of the ML Liquidating Trust

JONES DAY



David F. Adler  
Attorneys for CBIZ Accounting, Tax  
& Advisory of Phoenix, LLC

IT IS SO ORDERED,

Dated this \_\_\_ day of \_\_\_\_\_, 2010

\_\_\_\_\_  
Judge of the United States Bankruptcy Court