

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS

IN THE MATTER OF:

RICHARD P. LOTFY  
SHARI D. LOTFY,  
Debtors

CHAPTER 13  
CASE NO. 08-40106

RICHARD P. LOTFY  
SHARI D. LOTFY,  
Plaintiffs

v.

MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC.

and

INDYMAC BANK, FSB  
Defendant

ADVERSARY PROCEEDING  
CASE NO. 08-04071

**RULE 26(f) REPORT OF THE PARTIES**

The Parties have conferred and hereby submit, pursuant to Fed. R. Bankr. P.26 and Fed. R. Civ. P.26(f), a report of their conference.

1. Pursuant to Fed. R. Bankr. P.26 and Fed. R. Civ. P. 26(f), a telephone conference was held on September 19, 2008 and was attended by Rosaleen J. Clayton for the plaintiffs and John T. Precobb for the defendant.
2. Pre-Discovery Disclosures. As of this filing, the parties have exchanged the information required by Fed. R. Bankr. P. 26 and Fed. R. Civ. P. 26(a).
3. Discovery Plan. The parties jointly propose to the court the following discovery plan:
  - (a) Discovery will be needed on the following subjects:
    - i. The merits of the plaintiffs' claims; and
    - ii. The merits of defendant's defenses.
  - (b) The parties agreed that they may engage in disclosure or discovery of electronically stored information.
  - (c) All discovery shall be completed by November 15, 2008.
  - (d) There shall be a maximum of 25 interrogatories by each party to any other party.

- (e) There shall be a maximum of 25 requests for admissions by each party to any other party.
- (f) There shall be no depositions conducted by the parties.
- (g) There may be expert reports.
- (h) Supplementation under Fed. R. Bankr. P. 26 and Fed. R. Civ. P. 26(e) will be due by October 31, 2008.

4. Other Items.

- (a) The parties do not request a conference with the Court before entry of the scheduling order.
- (b) The parties request a pretrial conference in January, 2009.
- (c) The parties agree that any motion for further amendment to the pleadings, whether to join additional parties or to add additional claims, shall be filed by October 31, 2008.
- (d) As for dispositive motion, any motion for judgment on the pleadings shall be filed on or before October 15, 2008, and any motion for summary judgment shall be filed on or before November 15, 2008.
- (e) The parties have discussed the possibility of settlement, but the likelihood of such an outcome is unlikely.
- (f) Final lists of witnesses and exhibits under Fed. R. Bankr. P. 26 and Fed. R. Civ. P. (26)(a)(3) shall be due from plaintiff and defendant by January 15, 2009, unless a dispositive motion is filed by either party which shall serve to stay the exchange of such lists until further agreement by the parties or order of the court.
- (g) Parties shall have seven (7) days after service of final lists of witnesses and exhibits to list objections under Fed. R. Bankr. P. 26 and Fed. R. Civ. P. 26(a)(3).
- (h) The case should be ready for trial by February, 2009.

Respectfully Submitted:

Richard P. Lotfy,  
Shari D. Lotfy, defendants  
By their Attorney,

IndyMac Bank, FSB  
By its Attorney

/s/ Rosaleen J. Clayton  
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