

KEVIN COMPTON, et al.	*	IN THE
	*	CIRCUIT COURT
Plaintiffs	*	
v.	*	FOR
ALEX. BROWN MGMT. SVCS., INC.,	*	BALTIMORE CITY
et al.	*	
Defendants	*	Part 20
	*	Case No.: 24-C-03-007514

*

DISCOVERY ORDER

Among the discovery motions pending before the Court are four specific motions referred by the Court to Special Master Donald A. Rea pursuant to an Order dated August 9, 2005. Having received the report and recommendations of the Special Master with respect to those motions, the Court will, this 17th day of October, 2005, adopt the Findings and Recommendations of the Special Master¹ and enter a discovery order as follows:

1. Defendants’ motion to compel filed on June 24, 2005 is **DENIED** as moot, the parties having resolved all outstanding issues through mediation with the special master.
2. Defendants’ motion to compel filed July 15, 2005 is **GRANTED** in part and **DENIED** in part. Plaintiffs are ordered to produce all documents pertaining to their experience with company loans or hedging and financially related litigation by or against companies for which any

¹ The Confidential Recommendations Regarding Discovery Disputes, dated October 10, 2005, are incorporated in this Court Order and attached hereto.

plaintiff served as a member of the Board of Directors, officer or shareholder and had direct involvement in such activities. Production of said documents will be limited to those documents within plaintiffs' possession, custody or control. Defendants' request that plaintiffs produce financial statements and tax returns is **DENIED**, except to the extent that plaintiffs have agreed to produce portions of their tax returns and attachments to those returns pertaining to investment sophistication.

3. Plaintiffs' motion to compel filed July 18, 2005 is **GRANTED** in part and **DENIED** in part. Defendants are ordered to serve upon plaintiffs a written answer to Interrogatory No. 1, identifying documents which pertain to statements made in certain investor reports, as limited by agreement with plaintiffs' counsel to three defined reports. Plaintiffs' motion to compel production of documents identified in the first 275 entries on defendants' privilege log is **DENIED** for the reasons set forth in the Special Master's report and recommendations. To the extent that plaintiffs seek an *in camera* review of the remaining entries on the defendants' privilege log, they should so notify the Court, so that this matter can be referred to the Special Master for ongoing consideration and recommendations. Plaintiffs' request that defendants be ordered to produce the redacted exhibit lists filed with the Court and delivered to the

opposing parties in the *Talbott* litigation is **GRANTED** as well.²

4. Defendants' letter request for return of inadvertently produced privileged documents is **GRANTED** to the extent that the documents relate to the 275 entries considered by the Special Master in connection with plaintiffs' July 18 motion to compel. To the extent that the request goes to documents identified in other entries on the privilege log, the Court will reserve ruling pending further consideration by the Special Master.
5. The Special Master has to date submitted an invoice for fees and expenses incurred in connection with these matters in the total amount of \$20,076.50. Plaintiffs and defendants are ordered each to pay half of this amount by November 10, 2005.
6. The Court's Order Appointing Special Master entered on August 9, 2005 shall remain in full force and effect, in the event that there are further matters referred to the special master for consideration and recommendations.

ALBERT J. MATRICCIANI, JR.
Judge
October 17, 2005

cc: All Counsel of Record
Donald A. Rea, Esquire (via e-mail)

² Production of these exhibit lists will be subject to any confidentiality order entered in the *Talbott* litigation or negotiated between the parties in this action.