

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF LOUISIANA
NEW ORLEANS**

In re:	§	Chapter 13
	§	
RON WILSON, SR. & LARHONDA WILSON,	§	Case No. 07-11862
	§	
Debtors.	§	

**FIDELITY NATIONAL INFORMATION SERVICES, INC.'S
MOTION TO QUASH U.S. TRUSTEE'S DISCOVERY REQUESTS**

TO THE HONORABLE ELIZABETH W. MAGNER, U.S. BANKRUPTCY JUDGE:

Fidelity National Information Services, Inc. ("Fidelity"), now known as Lender Processing Services, Inc., files this Motion to Quash U.S. Trustee's Discovery Requests.

Preliminary Statement

1. The U.S. Trustee's discovery requests directed at Fidelity have no procedural connection to any contested matter or adversary proceeding. As a result, bankruptcy subject-matter jurisdiction is non-existent. Moreover, because the U.S. Trustee's discovery requests are propounded outside the scope of the Bankruptcy Rules and Federal Rules of Civil Procedure, the discovery requests are procedurally improper. Finally, the U.S. Trustee lacks standing to seek discovery from Fidelity because Fidelity caused no injury in fact to be redressed by this Court. For all those reasons, the Court should quash the U.S. Trustee's discovery requests.

Background

2. Ron Wilson, Sr. and LaRhonda Wilson (the "Debtors") filed a voluntary petition under Chapter 13 of the United States Bankruptcy Code on September 29, 2007. The Court entered an order confirming the Debtors' Chapter 13 plan on December 21, 2007.¹

¹ Bankruptcy Docket # 13.

3. Option One Mortgage Corporation ("Option") holds a claim against the Debtors secured by the Debtors' residence. Fidelity has a contractual relationship with Option to provide administrative support services to Option regarding Option's mortgage loans to borrowers such as the Debtors. Fidelity does not have any contractual relationship with the Debtors, and has no authority to negotiate with the Debtors regarding their loan with Option. Because Fidelity is not a creditor of the Debtors and not a party-in-interest, Fidelity originally appeared in the Debtors' bankruptcy case only as an interested entity under Fed. R. Bankr. P. 2018(a).²

4. On January 7, 2008, Option filed a motion³ for relief from the automatic stay with respect to its loan on the Debtors' residence, which the Court denied.⁴ Option filed a second lift-stay motion⁵ on March 10, 2008, which the Court also denied.⁶

5. On May 9, 2008 and July 11, 2008, the Court issued show-cause orders directing several parties—including Dory Goebel in her capacity as assistant secretary at Option, and a representative of Fidelity—to appear to "explain the amounts due on the mortgage loan for the [Debtors]."⁷ The Court held a hearing on the show-cause orders on August 21, 2008.⁸ During the hearing, the Court expanded the scope of the show-cause orders and directed the U.S. Trustee to seek discovery on the Court's behalf.⁹

² Bankruptcy Docket # 43 and #50.

³ Bankruptcy Docket # 15.

⁴ Bankruptcy Docket # 18.

⁵ Bankruptcy Docket # 20.

⁶ Bankruptcy Docket # 36.

⁷ Bankruptcy Docket # 30 and # 45.

⁸ Bankruptcy Docket # 71 (transcript of August 21, 2008 hearing).

⁹ See Bankruptcy Docket # 71 at 208-209 ("I'm going to ask the U.S. Trustee's office to conduct on the Court's behalf, some specific discovery in this matter, which will include the production of the entire file from Option One in this case, as well as the Fidelity files.").

6. By letter dated October 1, 2008, the U.S. Trustee issued interrogatories and document-production requests to Fidelity. True and correct copies of the U.S. Trustee's discovery requests are attached as **Exhibit A**.

Argument and Authorities

A. THE COURT LACKS JURISDICTION TO DIRECT THE U.S. TRUSTEE TO CONDUCT DISCOVERY AGAINST A THIRD-PARTY ENTITY WITH NO DIRECT RELATIONSHIP TO THE DEBTORS OR THE DEBTORS' BANKRUPTCY ESTATE.

7. Without a "case" or "controversy", as those terms are used in Article III of the United States Constitution, this Court lacks jurisdiction to direct the U.S. Trustee to conduct discovery against Fidelity, an entity with no direct relationship to the Debtors or the Debtors' bankruptcy estate. *See Lujan v. Defenders of Wildlife*, 504 U.S. 555, 559-60 (1992) (discussing the limited scope of "cases" and "controversies" in Article III). Article III of the Constitution is relevant because federal district courts exercise original bankruptcy subject-matter jurisdiction. *See* 28 U.S.C. § 1334(a). Bankruptcy courts are units of the federal district court. 28 U.S.C. § 151 (also stating that a bankruptcy judge serves as a "judicial officer of the district court").

8. Because no motion or lawsuit is currently pending against Fidelity, no case or controversy exists. The Court correctly observed at the August 21, 2008 show-cause hearing that no motions were pending before the Court.¹⁰ The docket for the Debtors' bankruptcy case reflects that Option's two lift-stay motions have already been resolved.¹¹ Without a case or controversy, this Court lacks jurisdiction to order, on a *sua sponte* basis, that the U.S. Trustee propound discovery upon Fidelity. *See Flast v. Cohen*, 392 U.S. 83, 95 (1968) ("[The case-and-controversy requirement] limits[s] the business of federal courts to questions presented in an adversary context and in a form historically viewed as capable of resolution through the judicial

¹⁰ Bankruptcy Docket # 71 at p. 7 ("there is no motion pending at this time . . . [o]nly the Order to Show Cause".)

process.") (emphasis added). With no case or controversy, the U.S. Trustee's discovery requests have no jurisdictional basis and should be quashed.

B. THE U.S. TRUSTEE LACKS STANDING TO SEEK DISCOVERY FROM FIDELITY.

9. The U.S. Trustee's discovery requests directed at Fidelity should also be stricken because the U.S. Trustee lacks standing. In order for standing to exist, Article III of the United States Constitution requires, at a minimum, that (a) the party suffered an injury in fact; (b) a causal connection exists between the injury and the conduct complained of; and (c) a likelihood that the injury would be redressed by a favorable decision. *Riversa v. Wyeth-Ayerst Laboratories*, 283 F.3d 315, 318 (5th Cir. 2002). The U.S. Trustee has failed to demonstrate that it meets any of the three constitutional elements of standing. *Id.* ("the party invoking federal jurisdiction [bears] the burden of establishing these elements.").

10. The U.S. Trustee also lacks standing because the proposed scope and breadth of the discovery sought from Fidelity go beyond the U.S. Trustee's statutory duties and powers under 28 U.S.C. § 586. Section 586(a) of Title 28 lists categories of specific activities that the U.S. Trustee is authorized to undertake. None of the categories in section 586(a) authorize the U.S. Trustee to engage in wide-ranging investigations against third-party entities. Fidelity is not a creditor of the Debtors, and the Debtors have no contractual relationship with Fidelity. The U.S. Trustee's broad discovery requests directed at Fidelity may provide additional clarity to the questions raised by the Court, but the result of the inquiry will not further the pending Chapter 13 case nor have any discernable impact on the administration of the Debtors' plan, which is already confirmed, or the resolution of the two motions for relief which have been denied.

¹¹ See Bankruptcy Docket # 15, # 18, # 20, and # 36.

C. THE U.S. TRUSTEE'S DISCOVERY REQUESTS ARE NOT PROCEDURALLY PROPER.

11. Even if standing existed for the U.S. Trustee (which it does not), the U.S. Trustee's discovery requests are procedurally improper because they do not arise in the context of a contested matter or adversary proceeding. A show-cause order does not create a contested matter or adversary proceeding. The Court acknowledged this procedural problem at the August 21, 2008 hearing when it accurately observed that a show-cause order is "between the party and the Court It's not your typical adversary proceeding."¹² The Court suggested that the U.S. Trustee proceed under Bankruptcy Rule 2004 or file an adversary proceeding.¹³ However, the U.S. Trustee did not propound its discovery requests in the context of an adversary proceeding or under Bankruptcy Rule 2004. Instead, the U.S. Trustee is seeking discovery that was requested by the Court.¹⁴ The discovery requests are therefore procedurally flawed and should be quashed.

12. In any event, Bankruptcy Rule 2004 will offer little help to the U.S. Trustee because "[i]t is clear that Rule 2004 may not be used as a device to launch into a wholesale investigation of a non-debtor's private business affairs." *In re Wilcher*, 56 B.R. 428, 434 (N.D. Ill. 1985). Rule 2004 "cannot and should not be viewed as providing a license for the UST to engage in potentially invasive and expensive Rule 2004 discovery based on nothing more than her own curiosity." *In re Countrywide Home Loans, Inc.*, 384 B.R. 373, 392 (Bankr. W.D. Pa. 2008). The Court's curiosity similarly cannot justify a full-scale investigation into Fidelity's private business affairs, especially an investigation that is occurring outside the context of any contested matter or adversary proceeding.

¹² Bankruptcy Docket # 71 at pgs. 10-11.

¹³ Bankruptcy Docket # 71 at p. 11.

¹⁴ Bankruptcy Docket # 71 at p. 269, lines 19-22.

D. THE COURT'S SHOW-CAUSE ORDERS DO NOT PROVIDE THE NECESSARY JURISDICTION OR STANDING.

13. The Court's show-cause orders cannot supply the missing jurisdiction. The "source of the bankruptcy court's subject matter jurisdiction is neither the Bankruptcy Code" nor in the Court's orders. *In re U.S. Brass Corp.*, 301 F.3d 296, 303 (5th Cir. 2002) (discussing 28 U.S.C. § 1334). The Court's show-cause orders also cannot create standing for the U.S. Trustee where none previously existed. *See Riversa v. Wyeth-Ayerst Laboratories*, 283 F.3d 315, 318 (5th Cir. 2002). Without any procedural context and without any justiciable controversy, the U.S. Trustee's investigation of Fidelity can conceivably continue with no limits as to duration or scope. Unless the U.S. Trustee can demonstrate the necessary jurisdiction and standing, and proceed in an appropriate procedural context, its discovery requests should be quashed.

Fidelity therefore respectfully requests that this Court enter an order quashing the U.S. Trustee's discovery, and granting Fidelity such other and further relief as this Court deems just and proper.

Dated: October 30, 2008

Respectfully submitted,

WINSTEAD PC
1100 JPMorgan Chase Tower
600 Travis Street
Houston, TX 77002
(713) 650-8400
(713) 650-2400 (facsimile)

By: /s/ Michael P. Cash¹⁵
Michael P. Cash, SBT # 03965500
Louisiana Bar No. Pending

**ATTORNEYS FOR FIDELITY NATIONAL
INFORMATION SERVICES, INC., N/K/A LENDER
PROCESSING SERVICES, INC.**

CERTIFICATE OF CONFERENCE

Consistent with Local Bankruptcy Rule 7026-1(A), I certify that on October 29, 2008, I communicated via telephone conference with Sean M. Haynes, Trial Attorney with the Office of U.S. Trustee. We attempted to resolve in good faith the issues raised in this motion, but were unable to reach an agreement.

/s/Michael P. Cash
Michael P. Cash

¹⁵ Michael Cash was admitted *pro hac vice* by this Court on July 18, 2008 to appear in the Debtors' bankruptcy case. See Bankruptcy Docket # 49.

CERTIFICATE OF SERVICE

I certify that on October 30, 2008, a true and correct copy of this document was served on the parties below, and notice of this document will be served via ECF notice to parties registered or otherwise entitled to receive notice in this case:

<p><i>Via email</i> Elisabeth D. Harrington 2901 North Causeway Blvd., Suite 303 Metairie, LA 70002 Email: swamplaw@bellsouth.net Counsel for the Debtors</p>	<p><i>Via U.S. First-class mail, postage prepaid</i> S.J. Beaulieu, Jr. Chapter 13 Trustee 433 Metairie Road, Suite 307 Metairie, LA 70005</p>
<p><i>Via Email</i> D. Clay Wirtz The Boles Law Firm 1818 Avenue of America Monroe, LA 71201 Email: clay.wirtz@boleslawfirm.com Counsel for Option One Mortgage Corporation</p>	<p><i>Via email</i> Mary S. Langston Carolyn S. Cole Sean M. Haynes Office of United States Trustee 400 Poydras Street, Suite 2110 New Orleans, LA 70130 Email: carolyn.cole@usdoj.gov Email: mary.langston@usdoj.gov Email: sean.m.haynes@usdoj.gov</p>

/s/Michael P. Cash

Michael P. Cash



U.S. Department of Justice

Office of the U.S. Trustee

Districts of Louisiana and Mississippi

RECEIVED

OCT - 6 2008

WINSTEAD PC

Office of the United States Trustee
200 Jefferson Avenue, Suite 400
Memphis, TN 38103
(901) 544-3486
(901) 544-4138 (facsimile)
sean.m.haynes@usdoj.gov

October 1, 2008

Michael P. Cash, Esq.
1100 JPMorgan Chase Tower
600 Travis Street
Houston, TX 77002

Re: Ron and LaRhonda Wilson
Chapter 13 Case No. 07-11862 (Section A)

Dear Mr. Cash:

As I indicated to the Court at the hearing in this case on August 21, 2008, the United States Trustee is issuing discovery. You will find accompanying this letter the United States Trustee's First Request for Production of Documents and First Set of Interrogatories to Fidelity National Information Services, Inc. I would appreciate your assuring that appropriate responses to the discovery are delivered by November 3, 2008. Discovery responses should be delivered to the following address:

Office of the United States Trustee
400 Poydras Street, Suite 2110
New Orleans, LA 70130

At your earliest convenience, I would like to discuss with you a range of dates when depositions could be scheduled.

Very truly yours,

Sean M. Haynes,
Trial Attorney



Enclosures

cc: R. Michael Bolen,
United States Trustee

D. Clay Wirtz, Esq.

Elizabeth D. Harrington, Esq.

William R. Boles, Jr., Esq.

S.J. Beaulieu, Jr.
Chapter 13 Trustee

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF LOUISIANA**

In re:

**RON WILSON and
LaRHONDA WILSON,**

Debtors.

CASE NO. 07-11862

Section "A"

CHAPTER 13

**UNITED STATES TRUSTEE'S FIRST REQUEST
FOR PRODUCTION OF DOCUMENTS
(PROPOUNDED UPON FIDELITY NATIONAL INFORMATION SERVICES, INC.)**

TO: Fidelity National Information Services, Inc.

The United States Trustee serves this request for production of documents on Fidelity National Information Services, Inc.¹, as authorized by Fed.R.Bankr.P. 7034. The documents must be produced within 30 days of service of this request, at the Office of the U.S. Trustee, 400 Poydras Street, Suite 2110, New Orleans, LA 70130.

INSTRUCTIONS

- A. Any word written in the singular shall be construed as plural (or vice-versa) so as to construe a discovery request as broadly as possible.
- B. Any defined term with or without capitalization or quotation marks used in these Requests for Production of Documents shall be regarded as a defined term for purposes of these Requests for Production of Documents.
- C. Each of the following Requests for Production of Documents is for documents in your possession, custody or control whether or not prepared, authored, or executed by you.
- D. Each document furnished in response to the Requests for Production of Documents is to be produced as it is kept in the usual course of business and shall be organized and labeled to correspond with each paragraph in the Requests for Production, below.

¹"Fidelity National Information Services, Inc." means and refers to Fidelity National Information Services, Inc., its predecessors, successors, affiliates, subsidiaries or divisions thereof, including but not limited to Fidelity National Foreclosure Solutions.

E. Do not produce any documents or things that are subject to the attorney-client privilege or the attorney work-product doctrine. If any documents covered by these Requests for Production of Documents are withheld under a claim of privilege, furnish a list describing each document for which privilege is claimed, together with the following information:

1. author;
2. name and job title of each recipient and person to whom a copy was furnished;
3. date of the document;
4. basis on which privilege is claimed;
5. the paragraph of the Requests for Production to which each such document is responsive.

F. If any document has been destroyed, discarded, or is otherwise no longer in existence, please state:

1. author;
2. date of the document;
3. subject matter of the document;
4. the date it was destroyed, discarded, or discovered no longer to be in existence; and,
5. the reason it was destroyed, discarded, or in is no longer in existence.

G. As required by the Federal Rules of Civil Procedure, you should supplement or amend your responses to these Requests for Production if additional documents covered hereby are obtained or discovered.

DEFINITIONS

1. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these requests for production, any information which might otherwise be construed to be outside their scope.

1(A). "Bankruptcy Work Station" means and refers to the type of bankruptcy work station referred to in the August 21, 2008 testimony of the witness(es) in the Wilson Case.

2. "Boles" means The Boles Law Firm.

3. "Communication" is defined to include any transmission of information from one Person, or group of Persons, to any other Person, or group of Persons, regardless of the medium or means by which such transmission occurred, including, but not limited to, oral, written, face-to-face, telephone, facsimile, electronic mail, postal mail, personal delivery, or otherwise. When in the form of a Document or thing, "Communication" is defined to include any attachments thereto.

4. **"Concerning" or "concern"** shall mean in whole or in part, directly or indirectly, referring to, relating to, connected with, commenting on, responding to, showing, describing, analyzing, reflecting, concerning, constituting, embodying and/or mentioning.

5. **"Debtor"** means and refers to the debtor(s), Ron Wilson and/or LaRhonda Wilson, Chapter 13 Case No. 07-11862.

6. **"Document" or "Documents"** means and is intended to have the broadest possible meaning and includes, without limitation, any writings, electronic transmissions, email, drawings, graphs, charts, photographs, recorded, digitally encoded, graphic, and/or other data compilations from which information can be obtained, translated if necessary through detection devices into reasonably usable form, or other information, including originals, copies (if the original is no longer available), translations and drafts thereof and all copies bearing notations and marks not found on the original. The term **"Document" or "Documents"** includes without limitation, account statements, affidavits, analyses, appraisals, confirmations, contracts, correspondence, Communications, deeds of trust, diskettes, drafts, estimates, evaluations, filings, financial statements, forms, journals, ledgers, letters, lists, memoranda, minutes, notations, notes, opinions, orders, pamphlets, papers, employees' review checklists, permanent files, pictures, press releases, projections, prospectuses, publications, receipts, recordings of conferences, conversations or meetings, reports, statements, statistical records, studies, summaries, tabulations, telegrams, telephone records, telex messages, transcripts, understandings, videotapes, vouchers, work papers, copies of records and documents, and sheet or things similar to any of the foregoing however denominated. The term **"Document" or "Documents"** further means any document now or at any time in the possession, custody, or control of the entity to whom this document request is directed (together with any predecessors, successors, affiliates, subsidiaries or divisions thereof, and their officers, directors, employees, agents and attorneys). Without limiting the term "control" as used in the preceding sentence, a person is deemed to be in control of a documents if the person has a right to secure the document or a copy thereof.

7. **"Fidelity"** means and refers to Fidelity National Information Services, Inc., its predecessors, successors, affiliates, subsidiaries or divisions thereof, including but not limited to Fidelity National Foreclosure Solutions.

7(A). **"Fidelity Funded Client Managed employee"** means and refers to the employee about whom Arthur Simmons was examined at the August 21, 2008 hearing in the Wilson Case. See August 21, 2008 Transcript, 242:18-19.

8. **"Goebel"** means and refers to Dory Goebel.

9. **"Goebel Affidavit"** means and refers to the Affidavit of Debt signed by Dory Goebel on February 28, 2008 and filed with the Motion for Relief.

10. **"Identify"** is defined to include naming, revealing the identity of, describing, suggesting the identity of, or otherwise aiding or assisting in the location, specification, particularization, sorting, or other identification process.

10(A). **"Incentive"** means and refers to any consideration whatsoever not in the form of ordinary base salary or ordinary hourly wages. Such includes any commission, bonus, award, or perquisite.

11. **"Indicating", "indicates", or "indicate"** are each defined to include showing, specifying, revealing, or otherwise demonstrating, whether alone or in combination with other Documents and things.

12. **"Motion to Lift Stay"** means the March 10, 2008 Motion to Lift Stay (docket # 20), including the attachments/exhibits thereto, filed in the Wilson Case.

13. **"Option"** means and refers to Option One Mortgage Corporation, its predecessors, successors, affiliates, subsidiaries or divisions thereof.

14. **"Person"** is defined to include any natural or legal entity, including, without limitation, individuals, groups of persons, any corporation, firm, partnership, proprietorship, joint venture, association, agency, board, authority, committee, commission, or other entity and divisions, departments or other units thereof.

15. **"Refer" or "Referring"** is defined to mean directly or indirectly alluding, mentioning, discussing, relying upon, or otherwise referencing, whether explicitly by name, by country, or otherwise, or any synonymous relationship with the stated subject matter, including, but not limited to, the requested subject matter itself.

16. **"Sworn Statement"** means and refers to any affidavit, 28 U.S.C. § 1746 declaration, or any similar statement made under oath or penalty of perjury.

17. **"Wilson Account"** means the Debtors' indebtedness and obligations to Option arising from the November 22, 2006 Adjustable Rate Note and other agreements signed by Ron Wilson and LaRhonda Wilson in connection with obtaining financing for the purchase of certain real property commonly known as 402 Cole's Landing, Reserve, Louisiana 70084.

18. **"Wilson Case"** means the Chapter 13 bankruptcy case filed by Ron Wilson and LaRhonda Wilson on September 29, 2007, in the United States Bankruptcy Court for the Eastern District of Louisiana.

19. **"You" and/or "Your"** refers to and means Fidelity.

DOCUMENTS TO BE PRODUCED

REQUEST NO. 1. Produce all agreements and amendments thereto, executed between Option and Fidelity, that concern the Wilson Case.

REQUEST NO. 2. Produce all agreements and amendments thereto, executed between Fidelity and Boles, that concern the Wilson Case.

REQUEST NO. 3: Produce all documents authorizing Fidelity to act on behalf of Option in the Wilson Case.

REQUEST NO. 4: Produce all documents evidencing any payment by Option to Fidelity concerning the Wilson Account. Such documents should include but not be limited to invoices and canceled checks.

REQUEST NO. 5: Produce all documents evidencing any payment by Boles to Fidelity concerning the Wilson Account. Such documents should include but not be limited to invoices and canceled checks.

REQUEST NO. 6: Produce all documents evidencing communications between Fidelity and Option concerning the Wilson Case.

REQUEST NO. 7: Produce all documents evidencing communications between Fidelity and Boles concerning the Wilson Case.

REQUEST NO. 8: Produce Fidelity's policies and procedures, in effect on or after February 28, 2008 and applicable to the Wilson Case, that concern preparing sworn statements on behalf of Option.

REQUEST NO. 9. Produce all documents that Goebel relied upon in executing the Goebel Affidavit. Such documents should include but not be limited to documents supporting the assertion "BNK Fees/Costs \$1,000.00"; the assertion "Past Due Date: 12/1/2007"; and the assertion "The Debtors are delinquent on post-petition arrearages for the months of November 1, 2007 through and including February 1, 2008 through date on the direct monthly mortgage payments of \$1,546.84."

REQUEST NO. 10: Produce the sworn statements, other than the Goebel Affidavit, inquired about in Interrogatory No. 6 of the United States Trustee's First Set of Interrogatories.

REQUEST NO. 11: Produce all documents constituting Fidelity's records of the Wilson Case.

REQUEST NO. 12: Produce all agreements and amendments thereto, executed between Option and Fidelity and applicable to the Wilson Case, that concern the Fidelity Funded Client Managed onsite employee(s) with responsibilities concerning the Wilson Case.

REQUEST NO. 13: Produce Fidelity's policies and procedures to be followed by the Fidelity Funded Client Managed employee(s) with responsibilities concerning the Wilson Account.

REQUEST NO. 14: Produce all documents setting forth Option's criteria, communicated by Option to Fidelity and applicable to the Wilson Account, for referring Option accounts for motions to lift stay.

REQUEST NO. 15: Produce all documents that concern incentives, if any, available to the Fidelity Funded Client Managed employee(s) who had responsibilities for the Wilson Account, for making the referral for the filing of the Motion to Lift Stay. The UST requests such documents only to the extent that such incentives are in addition to ordinary base salary or ordinary hourly wages.

REQUEST NO. 16: Produce Fidelity's policies and procedures, in effect on or after September 29, 2007 and applicable to the Wilson Case, for establishing bankruptcy work stations for accounts of Option's borrowers.

REQUEST NO. 17: Produce all documents that Fidelity relied upon in setting up the bankruptcy work station for the Wilson Case. Such documents should include but are not limited to communications indicating that the Wilson Case had been filed in the United States Bankruptcy Court for the Eastern District of Louisiana.

REQUEST NO. 18: Produce all documents that Fidelity relied upon in referring the Wilson Account for a motion to lift stay.

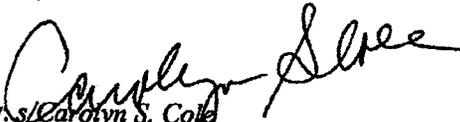
REQUEST NO. 19: Produce a full and complete copy of the February 28, 2008 Affidavit of Debt executed by Goebel, including any exhibits thereto.

REQUEST NO. 20: Produce any prior drafts or prior iterations that preceded the final version of the February 28, 2008 Affidavit of Debt executed by Goebel, including any exhibits thereto.

REQUEST NO. 21: With respect to the Motion to Lift Stay filed in the Wilson Case, produce all forms of affidavits, if any, that Fidelity has communicated to Boles and/or Option would be appropriate or should be used.

Respectfully submitted,

**R. MICHAEL BOLEN
United States Trustee
Region 5, Judicial Districts of
Louisiana and Mississippi**


by: s/Carolyn S. Cole

CAROLYN S. COLE (12496)

Attorney

SEAN M. HAYNES (TN #14881)

LR 11.2 Trial Attorney

Carolyn S. Cole

Attorney

Office of the United States Trustee

400 Poydras Street, Suite 2110

New Orleans, LA 70130

Telephone no. (504) 589-4018

Direct telephone no. (504) 589-2593

Facsimile no. (504) 589-4096

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF LOUISIANA

In re:

RON WILSON,
LaRHONDA WILSON.

Debtors.

CASE NO. 07-11862

Section "A"

CHAPTER 13

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of October 2008, I served by first class mail, postage prepaid, a true and correct copy of the foregoing United States Trustee's First Request for Production of Documents (Propounded Upon Fidelity National Information Services, Inc.) on the parties set forth below as follows:

Elisabeth D. Harrington
HARRINGTON & MYERS
2901 North Causeway Blvd., Suite 303
Metairie, LA 70002

S.J. Beaulieu, Jr.
Chapter 13 trustee
433 Metairie Road, Suite 307
Metairie, LA 70005

William R. Boles, Jr.
THE BOLES LAW FIRM
1818 Avenue of America
Monroe, LA 71201

Michael P. Cash
WINSTEAD PC
1100 JPMorgan Chase Tower
600 Travis Street
Houston, Texas 77002

D. Clay Wirtz
95 Glenmare Avenue
Monroe, La 70121

s/Carolyn S. Cole
CAROLYN S. COLE

Carolyn S. Cole
by Sean R. Haynes

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF LOUISIANA

In re:

RON WILSON and
LaRHONDA WILSON,

Debtors.

CASE NO. 07-11862

Section "A"

CHAPTER 13

UNITED STATES TRUSTEE'S FIRST SET OF INTERROGATORIES
(PROPOUNDED UPON FIDELITY NATIONAL INFORMATION SERVICES, INC.)

TO: Fidelity National Information Services, Inc.

The United States Trustee serves these interrogatories on Fidelity National Information Services, Inc.¹, as authorized by Fed.R.Bankr.P. 7033. Option One Mortgage Corporation must serve an answer to each interrogatory, under oath, within 30 days after service, at the Office of the U.S. Trustee, 400 Poydras Street, Suite 2110, New Orleans, LA 70130.

DEFINITIONS

1. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these requests for production, any information which might otherwise be construed to be outside their scope.
2. "Boles" means The Boles Law Firm.
3. "Communication" is defined to include any transmission of information from one Person, or group of Persons, to any other Person, or group of Persons, regardless of the medium or means by which such transmission occurred, including, but not limited to, oral, written, face-to-face, telephone, facsimile, electronic mail, postal mail, personal delivery, or otherwise. When in the form of a Document or thing, "Communication" is defined to include any attachments thereto.
4. "Concerning" or "concern" shall mean in whole or in part, directly or indirectly, referring to, relating to, connected with, commenting on, responding to, showing, describing, analyzing, reflecting, concerning, constituting, embodying and/or mentioning.

¹"Fidelity National Information Services, Inc." means and refers to Fidelity National Information Services, Inc., its predecessors, successors, affiliates, subsidiaries or divisions thereof, including but not limited to Fidelity National Foreclosure Solutions.

5. **"Debtor"** means and refers to the debtor(s), Ron Wilson and/or LaRhonda Wilson, Chapter 13 Case No. 07-11862.

6. **"Document" or "Documents"** means and is intended to have the broadest possible meaning and includes, without limitation, any writings, electronic transmissions, email, drawings, graphs, charts, photographs, recorded, digitally encoded, graphic, and/or other data compilations from which information can be obtained, translated if necessary through detection devices into reasonably usable form, or other information, including originals, copies (if the original is no longer available), translations and drafts thereof and all copies bearing notations and marks not found on the original. The term **"Document" or "Documents"** includes without limitation, account statements, affidavits, analyses, appraisals, confirmations, contracts, correspondence, Communications, deeds of trust, diskettes, drafts, estimates, evaluations, filings, financial statements, forms, journals, ledgers, letters, lists, memoranda, minutes, notations, notes, opinions, orders, pamphlets, papers, employees' review checklists, permanent files, pictures, press releases, projections, prospectuses, publications, receipts, recordings of conferences, conversations or meetings, reports, statements, statistical records, studies, summaries, tabulations, telegrams, telephone records, telex messages, transcripts, understandings, videotapes, vouchers, work papers, copies of records and documents, and sheet or things similar to any of the foregoing however denominated. The term **"Document" or "Documents"** further means any document now or at any time in the possession, custody, or control of the entity to whom this document request is directed (together with any predecessors, successors, affiliates, subsidiaries or divisions thereof, and their officers, directors, employees, agents and attorneys). Without limiting the term "control" as used in the preceding sentence, a person is deemed to be in control of a documents if the person has a right to secure the document or a copy thereof.

7. **"Fidelity"** means and refers to Fidelity National Information Services, Inc., its predecessors, successors, affiliates, subsidiaries or divisions thereof, including but not limited to Fidelity National Foreclosure Solutions.

8. **"Goebel"** means and refers to Dory Goebel.

9. **"Goebel Affidavit"** means and refers to the Affidavit of Debt signed by Dory Goebel on February 28, 2008 and filed with the Motion for Relief.

10. **"Identify"** is defined to include naming, revealing the identity of, describing, suggesting the identity of, or otherwise aiding or assisting in the location, specification, particularization, sorting, or other identification process.

11. **"Indicating", "indicates", or "indicate"** are each defined to include showing, specifying, revealing, or otherwise demonstrating, whether alone or in combination with other Documents and things.

12. **"Motion to Lift Stay"** means the March 10, 2008 Motion to Lift Stay (docket # 20), including the attachments/exhibits thereto, filed in the Wilson Case.

13. **"Option"** means and refers to Option One Mortgage Corporation, its predecessors, successors, affiliates, subsidiaries or divisions thereof.

14. **"Person"** is defined to include any natural or legal entity, including, without limitation, individuals, groups of persons, any corporation, firm, partnership, proprietorship, joint venture, association, agency, board, authority, committee, commission, or other entity and divisions, departments or other units thereof.

15. **"Refer" or "Referring"** is defined to mean directly or indirectly alluding, mentioning, discussing, relying upon, or otherwise referencing, whether explicitly by name, by country, or otherwise, or any synonymous relationship with the stated subject matter, including, but not limited to, the requested subject matter itself.

16. **"Sworn Statement"** means and refers to any affidavit, 28 U.S.C. § 1746 declaration, or any similar statement made under oath or penalty of perjury.

17. **"Wilson Account"** means the Debtors' indebtedness and obligations to Option arising from the November 22, 2006 Adjustable Rate Note and other agreements signed by Ron Wilson and LaRhonda Wilson in connection with obtaining financing for the purchase of certain real property commonly known as 402 Cole's Landing, Reserve, Louisiana 70084.

18. **"Wilson Case"** means the Chapter 13 bankruptcy case filed by Ron Wilson and LaRhonda Wilson on September 29, 2007, in the United States Bankruptcy Court for the Eastern District of Louisiana.

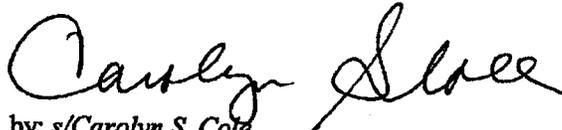
19. **"You" and/or "Your"** refers to and means Fidelity.

INTERROGATORIES

1. What authority did Option give to Fidelity Concerning the Wilson Case?
2. Did Fidelity represent Option, as an attorney for Option, concerning the Wilson Case?
3. What are Fidelity's policies and procedures to assure that sworn statements that it prepares are accurate?
4. What action, if any, did Fidelity take, between January 1, 2007 and June 30, 2008, to assess the accuracy of sworn statements prepared by Fidelity employees assigned responsibility for bankruptcy cases in the Eastern District of Louisiana.
5. Identify the documents that Goebel relied upon in preparing the Goebel Affidavit.
6. Regarding Goebel's estimation during her August 21, 2008 testimony as to the number of affidavits she ordinarily signs, besides the Goebel Affidavit, how many other sworn statements did Goebel execute on February 28, 2008, pursuant to her employment with Fidelity?
7. What fees and/or costs comprise the "BNK Fees/Costs \$1,000.00" asserted in the Goebel Affidavit?
8. Regarding Goebel's August 21, 2008 testimony as to reviewing records prior to signing an affidavit, what, if any, limitations existed on February 28, 2008 concerning Goebel's ability to review Wilson Case documents, information, and/or inter-party communications among the records maintained by Fidelity?

Respectfully submitted,

R. MICHAEL BOLEN
United States Trustee
Region 5, Judicial Districts of
Louisiana and Mississippi



by: s/Carolyn S. Cole
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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF LOUISIANA

In re:

RON WILSON,
LaRHONDA WILSON.

Debtors.

CASE NO. 07-11862

Section "A"

CHAPTER 13

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of October 2008, I served by first class mail, postage prepaid, a true and correct copy of the foregoing United States Trustee's First Set of Interrogatories (Propounded Upon Fidelity National Information Services, Inc.) on the parties set forth below as follows:

Elisabeth D. Harrington
HARRINGTON & MYERS
2901 North Causeway Blvd., Suite 303
Metairie, LA 70002

S.J. Beaulieu, Jr.
Chapter 13 trustee
433 Metairie Road, Suite 307
Metairie, LA 70005

D. Clay Wirtz
305 Glenmare Avenue
Monroe, LA 70121

Michael P. Cash
WINSTEAD PC
1100 JPMorgan Chase Tower
600 Travis Street
Houston, Texas 77002

William R. Boles, Jr.
THE BOLES LAW FIRM
1818 Avenue of America
Monroe, LA 71201

s/Carolyn S. Cole
CAROLYN S. COLE

Carolyn S. Cole
by Ann M. Hayden

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF LOUISIANA
NEW ORLEANS**

In re:	§	Chapter 13
	§	
RON WILSON, SR. & LARHONDA WILSON,	§	Case No. 07-11862
	§	
Debtors.	§	

**ORDER GRANTING FIDELITY NATIONAL INFORMATION SERVICES, INC.'S
MOTION TO QUASH U.S. TRUSTEE'S DISCOVERY REQUESTS**

The Court has considered Fidelity National Information Services, Inc.'s Motion to Quash U.S. Trustee's Discovery Requests (the "Motion"). After considering the Motion, it appears to the Court that adequate notice has been given, that the relief requested is necessary, and that good cause exists to grant the relief requested in the Motion. Accordingly, it is hereby

ORDERED that Fidelity National Information Services, Inc.'s Motion to Quash U.S. Trustee's Discovery Requests is hereby **GRANTED**.

Signed this _____ day of _____, 2008.

UNITED STATES BANKRUPTCY JUDGE