

FIRST JUDICIAL DISTRICT COURT
STATE OF NEW MEXICO
COUNTY OF SANTA FE

FILED
FIRST JUDICIAL
DISTRICT COURT
2011 FEB -7 PM 1:45

No. D-0101-CV-200801895

STATE OF NEW MEXICO, ex rel. FRANK C. FOY
and SUZANNE B. FOY,

Qui Tam Plaintiffs,

v.

VANDERBILT CAPITAL ADVISORS, LLC, et al.

Defendants.

ORDER PERMITTING PLAINTIFFS' TO PROCEED ON REMAINING CLAIMS

THIS MATTER comes before the Court upon Plaintiffs' Supplemental Exhibit Showing FATA Violations after July 1, 2007, Plaintiffs' Inventory of Precluded and Remaining Portions of the Amended Complaint ("Inventory"), Defendants' Response to Plaintiffs' Inventory of Remaining Claims, Notice of Filing Concerning Flawed Paperwork on CDO Mortgages, Notice of Filing Concerning Violations of Section 44-9-3(A)(9) after July 1, 2007, and Plaintiffs' Reply Concerning Inventory of Remaining Claims ("Reply"), and the Court having reviewed the pleadings and being otherwise fully advised in the premises finds and determines that:

1. Claims based upon acts prohibited by NMSA 1978, Section 44-9-3 (2007), that occurred on or after July 1, 2007, are not precluded by prior orders of this Court.
2. Plaintiffs have presented sufficient justification to satisfy the Court that claims remain viable and relevant given the law of the case, and they are therefore allowed to proceed on their First Amended and Supplemental Complaint, except for Paragraphs 5 and 191 through 246, as conceded by Plaintiffs in their Inventory and Reply as no longer being viable based upon the Court's

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prior rulings.

3. The Court notes that some Defendants have previously answered the original complaint. In allowing Plaintiffs to proceed on their First Amended and Supplemental Complaint, this Court has only considered the above pleadings in light of the determinations made in its Order of Dismissal and Order to Strike. The present Order should therefore not be construed as including any determinations on other matters raised in previously filed answers.

4. All parties shall proceed in accordance with the Rules of Civil Procedure, including filing motions and answers as Defendants deem appropriate, as well as with applicable local rules, including LR1-306.G.

SO ORDERED this 7th day of February, 2011.


STEPHEN PFEFFER
DISTRICT JUDGE

Copies to:

Plaintiff at victor@vrmarshall.com

Defendants (to be distributed by Andrew G. Schultz at aschultz@rodey.com, in accordance with previously agreed upon arrangements)

Attorney General by U.S. Postal Service, and to nerdman@nmag.gov