

**IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION
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IN RE:)	
)	Chapter 7
ULRICH FELIX ANTON ENGLER;)	CASE NO. 9:08-bk-04360-MGW
)	
PRIVATE COMMERCIAL OFFICE, INC.;)	
and PCO CLIENT MANAGEMENT, INC.)	
)	
Debtor.)	
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**ORDER GRANTING IN PART TRUSTEE’S MOTION TO COMPEL
PRODUCTION OF DOCUMENTS FROM WELLS FARGO**

THIS CASE came on for hearing on June 9, 2011 at 10:00 a.m. on Special Litigation Counsel for the Trustee’s Motion to Compel Production of Documents From Wells Fargo [D.E. #633] (the “Motion”), Wells Fargo Bank, N.A.’s (“Wells Fargo”) Response in Opposition [D.E. # 656] (“Objection”) and the Trustee’s Reply [D.E. # 657]. Upon consideration of the Motion, the agreement of the parties on certain document requests, the argument of counsel for Wells Fargo and the Trustee, and the Court being otherwise fully informed in the premises, it is:

ORDERED and ADJUDGED as follows:

1. The Motion is **GRANTED, in part**, as set forth herein.
2. Wells Fargo’s Objection is **SUSTAINED, in part**, as set forth herein.
3. Wells Fargo shall produce all documents required to be produced by the Order, except those set forth in paragraph 8, and submit to the court a Certificate of Compliance no later than 30 days after entry of this Order.
4. The Trustee has agreed to table Request Nos. 23-24 and 31.

5. To the extent not already produced, Wells Fargo shall produce any and all non-privileged documents in its possession, custody and control responsive to the Subpoena, subject to the qualifications below.

6. Wells Fargo shall produce all documents responsive to the Subpoena, including all Bank Secrecy Act reports outlined in requests 2-13, 25, 27, and 33, so long as such documents were not created for a Suspicious Activity Report (“SAR”) and/or as part of the SAR process but, exist independently of that process.

7. Wells Fargo shall produce the policies and procedures relating to wire transfers for the time period corresponding with the Debtors’ Wachovia accounts ending 5057 and 7271. Prior to production of the policies and procedures, the Parties shall enter into an acceptable Confidentiality Order governing these documents.

8. Wells Fargo shall produce emails and other electronically stored information (“ESI”) on the condition that the Trustee shall confer with Wells Fargo to identify recipients and senders of e-mails, and designate appropriate search terms which shall be used to identify responsive documents. The Parties shall meet and confer on the email search parameters within 5 days of the entry of this Order. Wells Fargo shall provide an estimate of the costs to search and produce such ESI to the Trustee within 10 days of the meet and confer, and the Trustee shall pay the reasonable costs for such production. The Trustee retains the right to challenge the reasonableness of such costs with the Court. The parties shall meet and confer regarding an appropriate period for production of ESI.

9. Wells Fargo shall not be required to produce documents relating to the Angelika Neumeier’s financial records. Assuming that Angelika Neumeier can be

compelled by the Trustee to produce her financial records through a separate Rule 2004 Examination, Wells Fargo shall cooperate in that process.

DONE AND ORDERED in Chambers in Tampa, Florida, on July 08, 2011.

A handwritten signature in black ink that reads "M G Williamson". The signature is written in a cursive style with a large initial "M".

Honorable Michael G. Williamson
United States Bankruptcy Court

Copies to be provided by CM/ECF service