

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF CONNECTICUT**

DEUTSCHE BANK NATIONAL TRUST  
COMPANY, solely as Trustee for the Morgan  
Stanley ABS Capital I Inc. Trust 2006-WMC2,

Plaintiff,

v.

WMC MORTGAGE, LLC, as successor-by-  
merger to WMC Mortgage Corp.,

Defendant.

**CONSOLIDATED CASES**

3:12 - CV- 933 (CSH)

DEUTSCHE BANK NATIONAL TRUST  
COMPANY, solely as Trustee for HSI Asset  
Securitization Corporation Trust 2006-WMC1,

Plaintiff,

v.

WMC MORTGAGE, LLC, as successor-by-  
merger to WMC Mortgage Corp.,

Defendant.

3:12 -CV- 969 (CSH)

DEUTSCHE BANK NATIONAL TRUST  
COMPANY, solely as Trustee for the  
Securitized Asset Backed Receivables LLC  
Trust 2006-WM3,

Plaintiff,

v.

WMC MORTGAGE, LLC, as successor-by-  
merger to WMC Mortgage Corp.,

Defendant.

3:12-CV-1699 (CSH)

<p>DEUTSCHE BANK NATIONAL TRUST COMPANY, solely as Trustee for the MORGAN STANLEY ABS CAPITAL I INC. TRUST, SERIES 2007-HE6</p> <p>Plaintiff,</p> <p>v.</p> <p>WMC MORTGAGE, LLC, as successor-by-merger to WMC Mortgage Corp.,</p> <p>Defendant.</p>	<p>3:13-CV-1347 (CSH)</p> <p><b>APRIL 15, 2015</b></p>
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### **ORDER AMENDING CONSOLIDATION**

On February 7, 2013, this Court consolidated for a limited purpose three cases in which Deutsche Bank National Trust Company ("DBNTC") is Plaintiff and WMC Mortgage Corporation, LLC ("WMC") is Defendant with a fourth case in which Law Debenture Trust Company of New York ("Law Debenture") is Plaintiff and WMC is Defendant.

The three preliminarily consolidated cases between Plaintiff DBNTC and Defendant WMC included:

1. *Deutsche Bank National Trust Co. v. WMC Mortgage, LLC*, No. 3:12-CV-933;
2. *Deutsche Bank National Trust Co. v. WMC Mortgage, LLC*, No. 3:12-CV-969; and
3. *Deutsche Bank National Trust Co. v. WMC Mortgage, LLC*, No. 3:12-CV-1699.

The fourth consolidated case was *Law Debenture Trust Co. of N.Y. v. WMC Mortgage, LLC*, No. 3:12-CV-1538.

The Court clarified that the consolidation was "for the limited purposes of hearing and

deciding WMC's motions" to dismiss in those actions. *See Deutsche Bank Nat. Trust Co. v. WMC Mortg., LLC*, No. 3:12 - CV- 933 (CSH), 2014 WL 1289234, at \*2 (D.Conn. Mar. 31, 2014).<sup>1</sup> *See also* Doc. 70 ("Consolidation and Scheduling Order"). In particular, "[t]he several grounds urged for dismissal [were] the same in [WMC's] motions [to dismiss in the first two cases], and it [was] reasonable to assume that the same grounds [would] be urged by WMC in motions to dismiss the two later cases." No. 3:12 - CV- 933 (CSH), Doc. 70, at 2-3. On March 31, 2014, the Court denied WMC's four motions for partial dismissal of these actions in a Ruling reported at 2014 WL 1289234. *See also* No. 3:12-CV-933, Doc. 39, 76, 77, & 86 (Motions), Doc. 102 (Ruling).

Thereafter, on August 4, 2014, this Court ruled that it "will enter an Order under Rule 42(a)(2), Fed. R. Civ. P., consolidating the four Deutsche Bank cases for all purposes, including trial." 2014 WL 3824333, at \*5. This second consolidation was intended to include the three previously consolidated Deutsche Bank actions and to add as the fourth consolidated action *Deutsche Bank National Trust Co. v. WMC Mortgage, LLC*, No. 3:13-cv-1347. At that time, the Court characterized the Law Debenture case, No. 3:12-CV-1538, as "a companion to the Deutsche Bank cases rather than consolidated with them" and explicitly made "no further order of consolidation" with respect to that case. 2014 WL 3824333, at \*1. *See also id.*, at \*5 ("The Court will make no order with respect to consolidation involving the Law Debenture case."). Thus, effective August 4, 2014, the Law Debenture case was and is no longer consolidated with the Deutsche Bank cases. Law Debenture's case docket must be independent – *i.e.*, formally severed from the consolidated actions.

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<sup>1</sup> The Court explained that "[b]ecause the parties significantly overlap, and the contracts at issue are essentially the same, the Court consolidated these four cases for the limited purposes of hearing and deciding WMC's motions." 2014 WL 1289234, at \*2.

For purposes of clarity, the four cases that remain, and/or must be, consolidated include those four pending between DBNTC and WMC:

1. *Deutsche Bank National Trust Co. v. WMC Mortgage, LLC*, No. 3:12-CV-933;
2. *Deutsche Bank National Trust Co. v. WMC Mortgage, LLC*, No. 3:12-CV-969;
3. *Deutsche Bank National Trust Co. v. WMC Mortgage, LLC*, No. 3:12-CV-1699; and
4. *Deutsche Bank National Trust Co. v. WMC Mortgage, LLC*, No. 3:13-CV-1347.

As this Court has previously explained, these four cases all involve mortgage-backed securities trusts, created by documents in like forms. The theory of each case is essentially the same: WMC was a "mortgage originator" who sold mortgages to the Trusts for whom DBNTC brings these actions. The mortgage loans served as collateral for securities, called "Certificates," issued by the Trusts. DBNTC alleges that the mortgages WMC sold to the Trusts violated WMC's representations and warranties about the mortgages. Moreover, DBNTC asserts that WMC breached "its independent contractual obligations to repurchase and indemnify the Trustee[s] and Trust[s]." No. 3:12-CV-933, Doc. 109 ("Amended Complaint"), ¶ 11.

The same law firms represent DBNTC in each of the aforementioned cases. Moreover, the same law firms represent Defendant WMC in all four cases.

Rule 42(a), Fed. R. Civ. P., provides: "If actions before the court involve a common question of law or fact, the court may: (1) join for hearing or trial any or all matters at issue in the actions; or (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or

delay." In these circumstances, and in the exercise of my discretion, I hereby Order that pursuant to Rule 42(a)(2), the four actions in which DBNTC is Plaintiff and WMC is Defendant are hereby consolidated. These four cases present common questions of law and fact and are thus properly consolidated for all purposes, including discovery and trial. Such consolidation will avoid unnecessary cost and/or delay. Case No. 12-CV-933 will remain the lead consolidated case, such that all documents shall be filed on its docket henceforth.

The Clerk is directed to: (1) add *Deutsche Bank National Trust Co. v. WMC Mortgage, LLC*, No. 3:13-CV-1347, to the docket of the consolidated cases, under the lead case, No. 12-CV-933; and (2) remove *Law Debenture Trust Co. of New York v. WMC Mortgage, LLC*, No. 3:12-CV-1538, from the consolidated docket and maintain a separate docket for that action.

The foregoing is SO ORDERED.

Dated: New Haven, Connecticut  
April 15, 2015

/s/Charles S. Haight, Jr.  
CHARLES S. HAIGHT, JR.  
Senior United States District Judge