

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

NOV 10 2010  
JAMES L. ...  
*[Handwritten signature]*

FEDERAL DEPOSIT INSURANCE  
CORPORATION, as Receiver for  
Hillcrest Bank,

Plaintiff,

v.

BRYAN CAVE LLP,

Defendant.

Civil Action No.  
1:10-cv-03666-TCB

**CONSENT ORDER**

This matter having come before the Court on Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction [Dkt. No. 2], and the parties having provided their consent, the Court hereby **ORDERS** the following:

1. Bryan Cave LLP ("Bryan Cave") shall provide sworn declarations, in form and substance acceptable to Plaintiff, regarding any and all originals and copies (paper and/or electronic) of any and all Hillcrest Bank records previously or presently in its possession, custody or control (the "Bank Records"), setting forth the following information:

(a) where and how the Bank Records were stored at or by Bryan Cave from the moment they were removed from the Bank;

(b) the identity of all persons and organizations who, in fact, accessed or

otherwise had access to any of the Bank Records, or to the hardware on which they were stored;

(c) whether any of the Bank Records were or have been accessed, copied, printed, disseminated, altered, destroyed, contaminated or used in any way, and, if so, what was accessed, copied, printed, disseminated, altered, destroyed, contaminated or used in any way, who engaged in that conduct and the nature and details of that conduct;

(d) when, to whom, at what address, and by what means, any of the Bank records were shipped or otherwise transmitted from Bryan Cave's possession, custody or control, and what encryption or other protections, if any, were implemented with respect to each or any of the Bank Records (and describing all such protections and the specific Bank Records as to which the protections were used);

(e) the identity of each person in what Bryan Cave refers to as its "client group" and each person's address.

2. To the extent that Bryan Cave maintains that all Bank Records have been removed from Bryan Cave's hardware, servers and systems, the statement described and required in the preceding paragraph shall identify and describe the method and means by which such removal was accomplished and the person(s) who performed the removal.

3. To the extent that any Hillcrest Bank document, file or record currently exists on any Bryan Cave hardware, server or system, that material will be provided to the FDIC-Receiver, and Bryan Cave will provide a sworn statement described in paragraph 2 hereof, within five (5) business days of the date of this Order. Within five (5)<sup>business</sup> days of the provision of the sworn statement described in paragraph 2 hereof, Bryan Cave shall allow a mutually agreeable, third-party information technology vendor to inspect the systems and hardware upon which any Hillcrest Bank records were stored in order to verify and confirm that such records no longer exist on those systems and hardware.

4. Bryan Cave, along with its attorneys and all persons in concert or active participation with the firm, upon being served with this Order shall immediately deliver to FDIC-Receiver or its counsel any and all Bank Records in their possession or control, including, but not limited to, those containing confidential customer information and/or other nonpublic bank information, and any and all hard drives, disks, electronic storage devices, computer, or other physical media or files that contain any copy, partial or complete, of any such information.

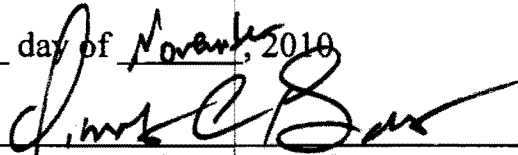
5. Except as necessary to comply with this Order, Bryan Cave, along with its attorneys and all persons in concert or active participation with the firm, are immediately enjoined from accessing, using, copying, disclosing,

disseminating, destroying, editing, modifying, printing, sending, receiving, or misappropriating any Bank Records in their possession or control, including, but not limited to, those containing confidential customer information and/or other nonpublic bank information; and

6. Bryan Cave, along with its attorneys and all persons in concert or active participation with the firm, are immediately enjoined from the date on which the actions ordered in paragraphs numbered 1 through 4 above are completed, from possessing or retaining any Bank Records in their possession or control, including, but not limited to, those containing confidential customer information and/or other nonpublic bank information.

This Order is binding upon Defendant Bryan Cave LLP, its agents, servants, employees and attorneys, and upon those persons in active concert or participation with them who receive actual notice of this order by personal service or otherwise.

ENTERED this 10th day of November, 2010




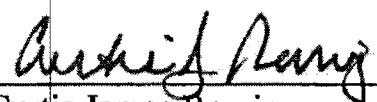
THE HONORABLE TIMOTHY C. BATTEN, SR.  
UNITED STATES DISTRICT COURT JUDGE

AGREED AND CONSENTED TO:

SCHIFF HARDIN LLP

BRYAN CAVE LLP

By:   
Michael K. Wolensky  
Georgia Bar No. 773255

By:   
Curtis James Romig  
Georgia Bar No. 613990  
*per discussion by E.H. Cohen*

mwolensky@schiffhardin.com  
Ethan H. Cohen  
Georgia Bar No. 173745  
ecohen@schiffhardin.com

One Atlantic Center, Suite 2300  
1201 West Peachtree Street, N.W.  
Atlanta, Georgia 30309  
Telephone: (404) 437-7000  
Facsimile: (404) 437-7100

Antony S. Burt  
*(Motion to Appear Pro Hac Vice Pending)*  
aburt@schiffhardin.com  
Linda K. Stevens  
*(Motion to Appear Pro Hac Vice Pending)*  
lstevens@schiffhardin.com

233 S. Wacker Drive  
Chicago, Illinois 60606  
Telephone: (312) 258-5500  
Facsimile: (312) 258-5600

*Attorneys for Plaintiff Federal  
Deposit Insurance Corporation,  
as Receiver for Hillcrest Bank*

Curtis.Romig@bryancave.com

One Atlantic Center, 14<sup>th</sup> Floor  
1201 West Peachtree Street, N.W.  
Atlanta, Georgia 30309  
Telephone: (404) 572-6600  
Facsimile: (404) 572-6999

*Attorneys for Defendant*

AT18225393.1  
AT18225407.1