

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

HAMILTON SECURITIES ADVISORY	)	
SERVICES, INC.	)	
	)	
Plaintiff,	)	NO. 98-169C
	)	(Judge Horn)
v.	)	
	)	
UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	
	)	

**PLAINTIFF'S ANSWERS TO  
DEFENDANT'S SECOND SET OF INTERROGATORIES**

Plaintiff, Hamilton Securities Advisory Services, Inc. ("Hamilton"), answers Defendant's Second Set of Interrogatories as follows:

**GENERAL OBJECTIONS:**

Plaintiff objects to Defendant's Second Set of Interrogatories to the extent they call for information protected by the attorney/client communication or attorney work product privileges. Plaintiff objects to the Defendant's Definitions and Instructions to the extent they purport to vary the requirements of the Rules of the Court of Federal Claims ("RCFC"). Plaintiff objects to Defendant's Second Set of Interrogatories as being unduly burdensome and expensive in requesting from plaintiff the identification of documents which are equally accessible to the Defendant from its own sources or that may be obtainable from other sources that accessible to Defendant without imposing this undue expense and burden on the Plaintiff.

All of Hamilton's responses to these interrogatories are based on the information and beliefs currently known to its. Without waiving the foregoing

objections or the objections stated as to particular interrogatories, Plaintiff provides the following answers to Defendant's Interrogatories.

**INTERROGATORY NO. 1:**

If and to the extent that you have not provided or do not provide a complete, absolute and unqualified admission to any paragraph of Defendant's First Request for Admission, then, with regard to each particular allegation of fact that you do not so admit, specify what exactly is false about that allegation, explain the manner in which it is false, specify any other reasons why you have not admitted it, and identify the specific documents that support your refusal to admit such allegation.

**OBJECTION:**

Plaintiff objects to this Interrogatory on the grounds that it is beyond the requirements of the RCFC; that it is unduly burdensome; and that it seeks attorney work product.

**ANSWER:**

Without waiving the above objection, Plaintiff refers Defendant to its answers to Defendant's First Set of Requests for Admission.

**INTERROGATORY NO. 2:**

**State the following with regard to the bidders selected by Lucent/Bell Labs' running of the optimization model using the UPB floor in connection with the West of Mississippi Sale:**

- (a) Do you have any reason to believe that, if HUD had awarded to such bidders the loan(s) that they bid on, any such bidders would not have closed and otherwise completed their purchase of such loans?**
- (b) Do you have any reason to believe that, if HUD had awarded to bidders the loan(s) that they bid on, any such bidders would not have paid, or that HUD would not have received, the amount of revenue that such bidders bid?**
- (c) If your answer to (a) and/or (b) is "yes," identify the particular bidders involved; specify, explain and describe in detail all facts upon which you rely in your answer, identify all persons with knowledge thereof, and identify the particular documents that you rely upon to support your answer.**

**ANSWER:**

- (a) Yes.**
- (b) Yes.**
- (c) The bidders involved are the bidders selected by Lucent/Bell Labs' running of the optimization model using the UPB floor in connection with the West of Mississippi Sale. Given the fact that at least three bidders refused to close on that sale and that other bidders failed to close on other sales, Hamilton has reason to believe that other bidders may not have closed on their loans. Persons with knowledge include: Helen Dunlap, Kathy Rock, Jerry Saltzman and others at HUD. Hamilton relies on the post-auction report and other**

documents in HUD's possession that reflect that bidders did not close on mortgages awarded to them.

**INTERROGATORY NO. 3:**

State the following with regard to the bidders selected by Lucent/Bell Labs' running of the optimization model using the UPB floor in connection with the North/Central Sale:

- (d) Do you have any reason to believe that, if HUD had awarded to such bidders the loans that they bid on, any such bidders would not have closed and otherwise completed their purchase of such loans?
- (e) Do you have any reason to believe that, if HUD had awarded to bidders the loan(s) that they bid on, any such bidders would not have paid, or that HUD would not have received, the amount of revenue that such bidders bid?
- (f) If your answer to (a) and/or (b) is "yes," identify the particular bidders involved; specify, explain and describe in detail all facts upon which you rely in your answer, identify all persons with knowledge thereof, and identify the particular documents that you rely upon to support your answer.

**ANSWER:**

- (d) Yes.
- (e) Yes.
- (a) See answer to Interrogatory No. 2(c).