

1 and training at Ocwen. You received training to be a
2 loan analyst, didn't you?

3 A. Yes.

4 Q. In fact, I think I heard you mention you're
5 going to train tomorrow?

6 A. Correct. Correct.

7 Q. You received training as a loan analyst when
8 you first started working as a loan analyst at Ocwen?

9 A. Yes.

10 Q. Let's talk about the initial training for a
11 second. There was one-on-one training, was there not?

12 A. Yes, there was one-on-one training.

13 Q. And that was a -- with someone from the
14 in-house counsel department?

15 A. It was training with not only in-house counsel
16 but also with my peers.

17 Q. Okay. Your peers meaning people who were also
18 trained to be a loan analyst?

19 A. People that have been loan analysts
20 considerably longer than I have.

21 Q. What's that called loan -- it's the loan
22 analyst department, what department does your position
23 fall in at Ocwen?

24 A. Our legal department.

25 Q. Now, this one-on-one training involved role

1 **playing, did it not?**

2 A. To some extent, yes.

3 Q. And that would be training -- and the training
4 and role playing was focused on testifying as a witness
5 at trials and depositions.

6 A. Yes.

7 Q. And the training that you received in how to
8 testify, it dealt with substantive matters and style
9 matters as well?

10 A. Yes.

11 Q. And the substantive matters, those would
12 include things like the business records of Ocwen?

13 A. Yes.

14 Q. How they're kept?

15 A. Yes.

16 Q. You were -- in fact, you were told that the
17 records are kept in the normal course of business at
18 Ocwen, were you not?

19 A. Yes.

20 Q. And you were told that the documents and the
21 information that Ocwen has in their system is made by
22 someone with knowledge -- personal knowledge about that
23 information, correct?

24 A. Yes.

25 Q. And you were told by your trainer or during

1 your training, that those -- that that information was
2 made at or near the time of the events -- whatever events
3 it is supposed to be memorializing, correct?

4 A. Yes.

5 Q. In fact, your basis for the testimony that
6 you've provided on direct examination with regard to this
7 specific exhibit, regarding when it was created, how it
8 was created, by whom, that's all based on the information
9 that was told to you at your training to be a loan
10 analyst at Ocwen, was it not?

11 MR. ROSENTHAL: Objection. It mischaracterizes
12 her testimony on direct. I believe she said that was
13 part of what was the foundation for her testimony.

14 THE COURT: Again, I read the testimony. I'll
15 overrule the objection. If there's a dispute in her
16 testimony, I'll resolve that.

17 THE WITNESS: And I'm sorry again.

18 BY MR. HOLTZ:

19 Q. Sure. The testimony that you provided on
20 direct with regard to each piece of evidence, as far as
21 how it was maintained, how that document was created, how
22 it was maintained, whether by who it was made by, when it
23 was made, all that information, your belief for all that
24 testimony is based on your training that you received at
25 Ocwen to be a loan analyst, correct?

1 A. Yes.

2 Q. So it's not based on any personal observation
3 of any of those material facts?

4 A. No, I don't --

5 MR. ROSENTHAL: Objection. Mischaracterizes
6 her testimony in that regard.

7 THE COURT: Well, she can answer yes or no.

8 THE WITNESS: No.

9 BY MR. HOLTZ:

10 Q. Thank you. Part of your training you were
11 provided handout or printed material, were you not?

12 A. To some extent, yes.

13 Q. To what extent?

14 A. Just copies of, you know, depositions and, you
15 know, just informational type of stuff.

16 Q. You were given memorialized -- or you were
17 given documents relating to the policies and procedures
18 of various Ocwen departments, were you not?

19 A. Yes.

20 Q. And you read those?

21 A. Yes.

22 Q. And it's from your reading of these documents
23 that you testified here today regarding the policies and
24 procedures of Ocwen departments in which you do not work,
25 correct?

1 A. Correct.

2 Q. So you've -- in those departments in which you
3 -- those departments which you never worked, you never
4 personally observed the operation of those policies and
5 procedures, correct?

6 A. No, Ocwen is a big place.

7 Q. Of course.

8 A. So it would be hard for me to go to all of
9 those departments.

10 Q. Absolutely. And just the same, it would be
11 hard for you to observe how the individuals who work in
12 those departments live up to those policies and
13 procedures, correct?

14 A. That's correct.

15 Q. Certainly, you couldn't do that in every case?

16 A. No.

17 Q. Also, couldn't have done it in this particular
18 case with regard to the information regarding this
19 particular loan?

20 A. That is correct.

21 Q. You were designated someone at Ocwen to be the
22 trial witness in this case, were you not?

23 A. Yes, I was.

24 Q. And that was -- it -- it was only after that
25 assignment to be a witness in this case that you

1 even became familiar with the loan in this case, correct?

2 MR. ROSENTHAL: Your Honor, I object to this
3 line of questioning. It's outside the scope of my
4 direct examination. When she was chosen to serve as
5 the witness in this case, has not anything to do with
6 what I brought before on direct examination. So he's
7 certainly not able to go beyond what I asked.

8 THE COURT: In the alternative, he can question
9 her in his case in chief? Is that the route you want
10 to go, I mean, it is outside the scope?

11 MR. ROSENTHAL: If -- Your Honor, I understand
12 what you're saying, if it short circuits the process,
13 I'll withdrawal the objection and allow it to take
14 place here. So as long as I'm not going to see her
15 on their case in chief.

16 THE COURT: Okay. Well, I don't -- I can't
17 answer that question, but sounds like the objection
18 is withdrawn. So you can answer.

19 THE WITNESS: Please repeat.

20 BY MR. HOLTZ:

21 Q. I understand. Been a long day.

22 Ms. Plasse, the question was: You were not
23 familiar with this loan or the documents relating to the
24 loan before you were assigned as trial witness in this
25 case, correct?

1 A. That's correct.

2 **Q. And that assignment happened when?**

3 A. Our assigning of assignments happens
4 periodically, I mean, I could have gotten this assignment
5 two, three weeks ago. It just depends on the litigation
6 intake mailbox that the requests come into.

7 **Q. Okay. So I just want to be clear for the**
8 **record, your testimony today is you received this**
9 **assignment about two or three ago?**

10 MR. ROSENTHAL: Objection. That's not her
11 testimony.

12 THE COURT: Well, he's trying to clarify. So
13 you can answer.

14 THE WITNESS: It could have been. I don't
15 recall the exact date that I received the assignment.

16 BY MR. HOLTZ:

17 **Q. Could it have been sooner?**

18 A. I don't believe so. I don't recall, though.

19 **Q. And could it have been much more beyond -- much**
20 **further, you know, past that, in the past?**

21 A. It won't have been too far -- really much more
22 than a month ago.

23 **Q. So would it be fair to say it was relatively**
24 **recently; is that a fair characterization?**

25 A. Yes.

1 Q. Thank you. And when you reviewed these
2 documents relating to this case, that was -- you'd agree
3 with me, that it was with an eye towards litigation?

4 A. Yes.

5 Q. You knew that case was already -- you knew the
6 loan was already in default?

7 A. Yes.

8 Q. And you knew that there was already a complaint
9 filed?

10 A. Yes.

11 Q. And you knew there was trial date approaching?

12 A. Yes.

13 Q. You're paid by Ocwen, correct, to be here
14 today?

15 A. Yes.

16 MR. ROSENTHAL: Objection, Your Honor, it's
17 also outside of the scope of direct examination. I
18 don't see how this is relevant.

19 THE COURT: Well, I guess payment always goes
20 to bias. You can answer.

21 THE WITNESS: Yes, I am paid by Ocwen.

22 BY MR. HOLTZ:

23 Q. And you're paid by Ocwen to testify at trial,
24 such as this and at depositions, correct?

25 A. That's the majority of my job description, yes.

1 Q. So you would agree you're a professional
2 witness?

3 A. I wouldn't say I'm a professional witness, but
4 that's part of my job description, yes.

5 Q. There was manual that you received in your
6 training, correct?

7 A. Yes.

8 Q. And that manual is not here today, is it?

9 A. No.

10 Q. You don't have to carry that manual with you?

11 A. No.

12 Q. Now, that manual has specific information
13 regarding subjects in which you're expected to testify at
14 trial?

15 A. Yes.

16 Q. And outside of what is contained in the manual,
17 you don't have other knowledge of those subjects, do you?

18 A. No. From time to time we not only have
19 manuals, but we also have on-line training that we take
20 that just keeps us abreast of different information.

21 Q. And the manual and all on-line training that
22 you referred to, that's all created by Ocwen, correct?

23 A. Yes.

24 Q. All provided to you by Ocwen?

25 A. Yes.

1 Q. And it's all designed, you'd agree, to help you
2 testify better on Ocwen's behalf?

3 A. I would say, yes.

4 Q. And it's on the basis of the material that
5 you've been provided by Ocwen, that provided your
6 testimony here today in court, correct?

7 A. That is correct.

8 Q. You testified several times in direct as to
9 general industry practices, general business tactics.

10 A. Uh-huh.

11 Q. You've been at Ocwen one and a half years?

12 A. Correct.

13 Q. And at what point in your time at Ocwen did you
14 become acquainted with business practices -- the general
15 industry standards in business practices?

16 MR. ROSENTHAL: Objection, Your Honor, on the
17 relevance -- the question is: When did she become
18 aware of the practice or is she aware of the
19 practice?

20 THE COURT: The question is: When during her
21 employment did she become aware of the business
22 practices?

23 MR. ROSENTHAL: Fine. I apologize.

24 THE WITNESS: I guess, I would have to say
25 probably right from the very beginning, I mean, from

1 the beginning of being hired at Ocwen. Again, not
2 only was I, you know, trained hands on, also have
3 manuals and based on the on-line training it was, you
4 know, information that is, you know, shared with us.

5 BY MR. HOLTZ:

6 **Q. So your testimony about your knowledge -- your**
7 **general of industry standards and the business is based**
8 **on your one and a half years at Ocwen?**

9 A. Not just that. It's not just based on that.
10 I've been in the financial industry for a better part of
11 my adult career.

12 **Q. Okay. But your testimony was just that it's --**
13 **the information that you testified out today is based on**
14 **what you learned since coming to Ocwen?**

15 A. That is correct.

16 MR. HOLTZ: Okay. Now, you've done a lot of --
17 actually, can I have moment, Your Honor.

18 Your Honor, at this time I renew my motion --
19 previously made motion to strike both the witness's
20 testimony on direct examination and all of the
21 exhibits that have been introduced, specifically,
22 with regard to her testimony on direct examination.
23 The witness has just testified that the information
24 she relied on in this testimony all comes from the
25 inadmissible hearsay. It's based on her training