

1 counsel table.
2 (Witness stepped down.)
3 MS. STEVENS: Your Honor, Plaintiff calls
4 Jason George to the stand.
5 THE COURT: Raise your right hand.
6 (Oath administered by the Court.)
7 MR. GEORGE: Yes, I do.
8 THE COURT: You may be seated. Watch your
9 step.
10 And once you get comfortable, if you'd state
11 your name and spell your last name for us.
12 THE WITNESS: My name is Jason George. Last
13 name is spelled G-E-O-R-G-E.
14 THE COURT: Okay. You may proceed.
15 Thereupon,
16 JASON GEORGE,
17 having been first duly sworn or affirmed, was examined
18 and testified as follows:
19 DIRECT EXAMINATION
20 BY MS. STEVENS:
21 Q. Mr. George, by whom are you employed?
22 A. J.P. Morgan Chase Bank.
23 Q. And how long have you been employed with
24 J.P. Morgan Chase Bank?
25 A. Since July of 2011.



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1 MR. ACKLEY: Objection. Relevance.
2 Speculation.
3 THE COURT: Overruled.
4 THE WITNESS: We maintain images and originals
5 of the note, mortgage, breach letter, payment
6 history.
7 We also maintain copies of the entire
8 origination file and credit file, which will
9 include -- Do you want a list of all the documents?
10 BY MS. STEVENS:
11 Q. No. Well, not if it's going to exceed a
12 hundred documents.
13 A. It would.
14 Q. So no.
15 Okay. So those are some of the documents that
16 are held and maintained by Chase in that capacity of
17 servicing mortgages?
18 A. Yes.
19 Q. Okay. And are you familiar with the loan
20 that's the subject of this action? The borrowers are
21 Thomas Petrovsky and Nancy Petrovsky.
22 A. Yes, I am.
23 Q. And did you review the business records prior
24 to coming to Court here today?
25 A. Yes.



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1 Q. And what is your role and responsibility at
2 J.P. Morgan Chase Bank?
3 A. My job title is home loan and research
4 officer. I review documents and records related to
5 loans in default. I testify at trials and depositions.
6 I also attend mediations and perform training duties.
7 Q. Okay. And are you familiar with the business
8 practices and procedures of J.P. Morgan Chase Bank as it
9 pertains to servicing and maintaining mortgages?
10 A. Yes, ma'am.
11 MR. ACKLEY: Objection. Hearsay. I'm sorry,
12 your Honor.
13 THE COURT: The question are you familiar with
14 the procedures calls for hearsay? Overruled.
15 The witness can answer if he's familiar.
16 THE WITNESS: Yes.
17 BY MS. STEVENS:
18 Q. Okay. And are you aware of the documents or
19 business records that are held and maintained by
20 J.P. Morgan Chase Bank as it pertains to servicing
21 mortgages?
22 A. Yes, I am.
23 Q. And can you tell the Court the documents that
24 are held and maintained by J.P. Morgan Chase in that
25 capacity?



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1 MR. ACKLEY: Objection. Hearsay.
2 Authenticity.
3 THE COURT: Overruled.
4 THE WITNESS: Yes, I did.
5 THE COURT: The question is did you review the
6 records?
7 MS. STEVENS: Yes.
8 THE COURT: The hearsay and authenticity
9 objections are overruled as to that question.
10 BY MS. STEVENS:
11 Q. I'm going to show you the document that's been
12 admitted into evidence as Plaintiff's Exhibit 3. But
13 before I do that, can you tell the Court what is
14 J.P. Morgan Chase Bank's role with this particular loan?
15 A. We are the servicer.
16 Q. Okay. And how long has J.P. Morgan Chase Bank
17 been the servicer of this loan?
18 A. Since 2005.
19 Q. Okay. Now I'm going to show you the document
20 that has been identified as Plaintiff's Exhibit 1, which
21 is a copy of the note.
22 Can you tell the Court from the date of that
23 note -- Well, what is the date of that note?
24 A. 6/16/2005.
25 Q. And when did J.P. Morgan Chase Bank become the



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1 servicer on this loan in 2005?
2 A. September 15, 2005.
3 Q. Okay. And at that time in September of 2005
4 what was J.P. Morgan's role and responsibility with
5 respect to this loan as servicer?
6 MR. ACKLEY: Objection. Hearsay.
7 Authenticity.
8 THE COURT: Overruled.
9 THE WITNESS: As the servicer, we would have a
10 large number of duties, including receiving or
11 recording payments from the borrower.
12 BY MS. STEVENS:
13 Q. Okay. And would Chase also be responsible for
14 any collection activity?
15 MR. ACKLEY: Same objection.
16 THE COURT: Same ruling.
17 The witness may answer.
18 THE WITNESS: Yes.
19 BY MS. STEVENS:
20 Q. And in that role as -- in collection activity,
21 for a collection activity, what is Chase required to do
22 when it is serving in the role of collection activity of
23 on the loan?
24 MR. ACKLEY: Objection. Speculation.
25 THE COURT: Overruled.



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1 BY MS. STEVENS:
2 Q. Okay. I'm showing you a document that has
3 been pre-marked for I.D. as Exhibit 4.
4 MS. STEVENS: May I approach, Your Honor?
5 THE COURT: You may.
6 BY MS. STEVENS:
7 Q. Can you identify this document, Mr. George?
8 A. This is a copy of the payment and transaction
9 history for this same loan for Thomas and Nancy
10 Petrovsky.
11 Q. Okay. And can you tell the Court what does
12 that loan history reflect?
13 MR. ACKLEY: Objection. Hearsay.
14 Authenticity. Also rule of completeness.
15 THE COURT: Okay. Where does this come from,
16 this document? And this is Plaintiff's Number 4.
17 THE WITNESS: Correct. This would be printed
18 from Mortgage Servicing Package, which is our main
19 system of record for servicing mortgages.
20 THE COURT: And how were the entries made
21 there?
22 THE WITNESS: The entries would be made by
23 either our payment processing department or our
24 escrow department for payments. They are entered
25 into the system when they are received, and they go



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1 THE WITNESS: We will attempt to make contact
2 with the borrower through letters and phone calls
3 to try to resolve any past due debt.
4 BY MS. STEVENS:
5 Q. Okay. Now I'm showing you what has already
6 been admitted into evidence as Plaintiff's Exhibit 3 and
7 ask you to identify the date on that note, that letter.
8 A. January 2, 2008.
9 Q. Okay. Now, the borrower has already testified
10 that there were no payments sent to Chase after January
11 of 2008. Based upon your review of the business records
12 of Chase, when is the loan due for, as far as when is
13 the last -- when was the last payment applied or
14 received, applied to?
15 MR. ACKLEY: Hearsay. Authenticity objection,
16 Your Honor.
17 THE COURT: All right. Please rephrase that
18 question.
19 BY MS. STEVENS:
20 Q. Okay. Based upon your review of the business
21 records, when is the loan due for?
22 MR. ACKLEY: Same objection.
23 THE COURT: Overruled.
24 THE WITNESS: December 1, 2007 I believe.
25



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1 in automatically right then, the exact same time.
2 For the escrow entries, they go in at midnight that
3 night.
4 THE COURT: All right. I'll overrule the
5 objection.
6 You can answer the question.
7 THE WITNESS: Can you repeat the question,
8 please?
9 BY MS. STEVENS:
10 Q. Yes. My question was what does the loan
11 history reflect?
12 MR. ACKLEY: Your Honor, I would also object
13 that the question calls for the witness to testify
14 from a document that's not in evidence.
15 THE COURT: If the document is not received in
16 evidence, I'll grant your motion to strike.
17 But the witness can answer the Court having
18 overruled the hearsay and authenticity objections
19 to the question.
20 THE WITNESS: It shows monetary transactions
21 related to this loan.
22 BY MS. STEVENS:
23 Q. Okay. And is the record made at -- Are the
24 entries made at or near the time of the event when the
25 information is received?



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1 A. Yes.
2 MR. ACKLEY: Objection. Lack of foundation.
3 Hearsay. Authenticity.
4 THE COURT: Overruled.
5 BY MS. STEVENS:
6 Q. And is the record made by or from information
7 transmitted by persons with knowledge of the event or
8 the activity?
9 MR. ACKLEY: Same objection, including
10 foundation.
11 THE COURT: Same ruling.
12 THE WITNESS: Yes.
13 BY MS. STEVENS:
14 Q. Does the person making the record have a duty
15 to accurately compile the information for the business
16 record?
17 MR. ACKLEY: Same objection.
18 THE COURT: Same ruling.
19 THE WITNESS: Yes.
20 BY MS. STEVENS:
21 Q. And is this record kept in the regular course
22 of a conducted business activity of J.P. Morgan Chase
23 Bank?
24 MR. ACKLEY: Same objection.
25 THE COURT: Same ruling.



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1 provided the underlying documents reflected in that
2 summary.
3 Furthermore, this witness has testified that
4 he has worked for Chase. He has not testified to
5 the capacity to testify to any record or
6 information from before when Chase took over the
7 record.
8 Clearly since they are attempting to enter
9 this document into evidence with regard to the
10 payment history from the overall loan, that would
11 incorporate prior payments and prior history that
12 he's not qualified to testify to, nor does the
13 document appear to reflect.
14 Under the rule of completeness, again, this is
15 being presented as a payment history. It does
16 appear to attempt to reflect the running totals and
17 values up to the present, but it does not include
18 the period prior to when Chase took over the
19 document. It's an incomplete record, and it's
20 inadequate in that respect to the law.
21 THE COURT: That's your first objection.
22 What's your next objection?
23 MR. ACKLEY: Those are all of my objections,
24 Your Honor.
25 THE COURT: Oh, okay. Those are all lack of



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1 THE WITNESS: Yes.
2 BY MS. STEVENS:
3 Q. And is it the regular business practice of
4 J.P. Morgan Chase to make this type of record?
5 MR. ACKLEY: Same objection.
6 THE COURT: Same ruling.
7 THE WITNESS: Yes.
8 MS. STEVENS: Your Honor, I would like to
9 admit the payment history into evidence as
10 Plaintiff's Exhibit 4.
11 THE COURT: And your objection to Number 4?
12 MR. ACKLEY: Absolutely, Your Honor. Several
13 objections. May I voir dire?
14 THE COURT: No. But you can tell me what your
15 objections are.
16 THE WITNESS: A number, Your Honor. Lack of
17 foundation.
18 THE COURT: Okay. What's wrong with the
19 foundation?
20 MR. ACKLEY: This witness is not adequately
21 qualified to testified as to the facts he's just
22 testified to.
23 THE COURT: Okay.
24 MR. ACKLEY: Moreover he -- Well, the document
25 also is a summary under 90.956. We've not been



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1 foundation objections.
2 I'm going to ask that if it can be done that
3 the foundation be established for records prior to
4 when Chase took over this servicer --
5 MS. STEVENS: Okay.
6 THE COURT: -- I guess between June 16th of
7 '05 and September 15th of '05.
8 MS. STEVENS: Your Honor, you want me to
9 inquire or --
10 THE COURT: Yeah. Go ahead.
11 MS. STEVENS: Okay.
12 BY MS. STEVENS:
13 Q. Mr. George, on the last page of the document,
14 what is the first entry made or the date that first
15 entry is made on that document?
16 A. September 22, 2005.
17 Q. Okay. And you previously testified that Chase
18 took over the servicing of this mortgage on that date;
19 is that correct?
20 A. Approximately one week before that, yes.
21 Q. Okay. Does that entry reflect any balance
22 that would have been received by the prior servicer for
23 those two months --
24 A. No.
25 Q. -- after origination of the loan?



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1 A. No. It shows the new loan setup value.
2 Q. Okay. And the new loan balance, is that
3 reduced from the originating loan amount that would have
4 occurred three months prior?
5 A. Yes, it is.
6 Q. Okay. So the balance that Chase received
7 reflects -- Well, let me strike that.
8 Does the balance reflect the prior servicer's
9 application of the two payments that they would have
10 received prior to Chase servicing the loan?
11 A. Yes. The balance is approximately \$900 less
12 than the originating amount.
13 Q. And from that point of time was Chase
14 servicing the loan or taking over the servicing in
15 September of 2005 up to the date of the last payment
16 being received, Chase maintained those records according
17 to your previous testimony in the manner in which you
18 previously testified, correct?
19 A. Yes.
20 MR. ACKLEY: Objection.
21 THE COURT: What was the objection?
22 MR. ACKLEY: It was compound, Your Honor. I
23 was trying to follow the question. It was
24 compound.
25 THE COURT: Okay. Break it up.



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1 the activity that actually took place.
2 The witness has no qualification to testify as
3 to whether the necessary elements of the foundation
4 or any exception to hearsay are present and is
5 unqualified to enter this document into evidence.
6 THE COURT: I accept Number 4 over the
7 foundation objections and the objection to the
8 qualifications of this witness to establish the
9 foundation under the 90.803(6) business records.
10 (Plaintiff's Exhibit Number 4 was admitted
11 into evidence.)
12 BY MS. STEVENS:
13 Q. Mr. George, on that payment history, does the
14 payment history reflect any advances for escrow payments
15 that have been made on the loan?
16 A. Yes, it does.
17 MR. ACKLEY: Objection. Hearsay.
18 Authenticity.
19 THE COURT: Overruled. You can answer.
20 THE WITNESS: Yes, it does. Several of them.
21 BY MS. STEVENS:
22 Q. Okay. And were the escrow advances for the
23 taxes and insurance made by Chase?
24 A. Yes.
25 MR. ACKLEY: Same objection.



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1 MS. STEVENS: Okay.
2 BY MS. STEVENS:
3 Q. And so the payment history that you have there
4 starts from two months after the origination and up
5 through the present; is that correct?
6 A. Three months from the origination.
7 Q. Okay. And the payments that are reflected on
8 the payment history start from the date that Chase began
9 servicing in September of 2005 until the date that Chase
10 stopped receiving payments in 2008, correct?
11 A. It actually goes through the most recent
12 transaction is 3/15/2014.
13 Q. Right. But that payment history reflects the
14 last payment that was received?
15 A. Yes, it does.
16 MS. STEVENS: Your Honor, I have no further
17 questions. I believe that the Plaintiff properly
18 laid the foundation for this document to be
19 admitted as a business record.
20 THE COURT: Okay.
21 MR. ACKLEY: I think that line of questioning
22 actually underscores the fact that there is no
23 evidence other than there is a gap in payments
24 between the origination amount and the amount when
25 Chase took on the loan? There is no evidence as to



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1 THE COURT: Same objection? Overruled.
2 THE WITNESS: Yes.
3 BY MS. STEVENS:
4 Q. And you testified that Chase is the servicer
5 on this loan?
6 A. Yes.
7 Q. And can you tell the Court what entity or --
8 what entity that Chase is servicing the loan on behalf
9 of?
10 A. Chase is --
11 MR. ACKLEY: Objection. Hearsay.
12 THE COURT: I'm sorry?
13 MR. ACKLEY: Hearsay.
14 THE COURT: I didn't hear the question. The
15 witness started to answer, and the objection was
16 hearsay.
17 What was the question?
18 MS. STEVENS: What entity is Chase servicing
19 the loan on behalf of.
20 THE COURT: And the objection is hearsay?
21 MR. ACKLEY: Yes, Your Honor.
22 THE COURT: The objection is overruled.
23 THE WITNESS: We are servicing the loan for
24 HSBC as trustee of a trust that was created back in
25 2005.



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1 BY MS. STEVENS:
2 Q. Okay. And is HSBC Bank the only entity that
3 Chase has been servicing the loan on behalf of since
4 Chase began servicing in September of 2005?
5 MR. ACKLEY: Objection to hearsay.
6 Authenticity.
7 THE COURT: Overruled.
8 THE WITNESS: Yes.
9 BY MS. STEVENS:
10 Q. I'm showing you a document that's been
11 pre-marked for identification as 7.
12 Mr. George, I'm asking you to identify that
13 document for the Court.
14 A. This is a printout of the MAS1AQN1 screen and
15 Mortgage Servicing Package.
16 Q. Okay. And is that document a business record
17 of Chase?
18 A. Yes, it is.
19 MR. ACKLEY: Objection. Calls for a legal
20 conclusion.
21 THE COURT: Overruled.
22 BY MS. STEVENS:
23 Q. And can you tell the Court under what system
24 does that document or -- Yeah. Under what system is
25 that document generated?



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1 BY MS. STEVENS:
2 Q. And does the person making this record have a
3 duty to accurately compile the information for the
4 business record?
5 MR. ACKLEY: Same objection.
6 THE COURT: Same ruling.
7 THE WITNESS: Yes.
8 BY MS. STEVENS:
9 Q. And is this business record kept in the course
10 of the business practice of J.P. Morgan Chase Bank?
11 MR. ACKLEY: Same objection.
12 THE COURT: Same ruling.
13 THE WITNESS: Yes.
14 BY MS. STEVENS:
15 Q. And is it the regular practice of J.P. Morgan
16 Chase Bank to make this business record?
17 MR. ACKLEY: Same objection.
18 THE COURT: Same ruling.
19 THE WITNESS: Yes.
20 MS. STEVENS: Your Honor, I'd like to
21 introduce the MAS1 screen into evidence as
22 Plaintiff's Exhibit 5 I believe we are at.
23 THE COURT: I think you're on 7. Is this 5?
24 MS. STEVENS: No. That was I.D. for 7,
25 because it's out of order.



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1 MR. ACKLEY: Objection. Hearsay.
2 Authenticity.
3 THE COURT: Overruled.
4 THE WITNESS: Mortgage Servicing Package.
5 BY MS. STEVENS:
6 Q. Okay. And what does that information reflect?
7 MR. ACKLEY: Same objection.
8 THE COURT: Overruled.
9 THE WITNESS: This screen is referred to as
10 our acquisition screen. It shows how and when we
11 acquired the rights to the loan.
12 BY MS. STEVENS:
13 Q. Okay. And is that record made at or near the
14 time the event or the information is received?
15 MR. ACKLEY: Objection. Hearsay.
16 Authenticity.
17 THE COURT: Overruled.
18 THE WITNESS: Yes.
19 BY MS. STEVENS:
20 Q. And is this record made by or from information
21 transmitted by a person with knowledge of the event or
22 activity?
23 MR. ACKLEY: Same objection.
24 THE COURT: Same ruling.
25 THE WITNESS: Yes.



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1 THE CLERK: Oh, okay. That's fine. Leave it
2 I.D. 7.
3 THE COURT: It's I.D. 7.
4 THE CLERK: It's Exhibit 7.
5 THE COURT: If I can see that, please, and
6 then I will entertain your objections.
7 MS. STEVENS: Okay.
8 THE COURT: Thank you.
9 Your objection?
10 MR. ACKLEY: May I voir dire the witness, Your
11 Honor?
12 THE COURT: You can question him in
13 cross-examination.
14 MR. ACKLEY: Very good. I would object in
15 that there is a lack of foundation and that this
16 witness has not been qualified to testify as to the
17 necessary elements in the foundation for an
18 exception to hearsay.
19 Secondly, the authenticity of this document
20 has not been established. It is purported to be a
21 screenshot or a printout of a screen. There is no
22 suggestion that this is -- other than this
23 witness's testimony that this is other than a
24 document created for litigation.
25 THE COURT: I'm sorry? Other than --



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MR. ACKLEY: Other than created for litigation, not actually kept in the normal course of business.

And, thirdly, we have no evidence as to this witness's capacity to testify as to the nature of the data reflected in the screenshot.

On those bases I would object, Your Honor.

THE COURT: The objection based on lack of foundation, qualification of the witness and authenticity are overruled.

And the Court will receive this as Plaintiff's Number 7.

MS. STEVENS: Okay.

(Plaintiff's Exhibit Number 7 was admitted into evidence.)

BY MS. STEVENS:

Q. And, Mr. George, I am going to show you this document again. And if you can tell the Court the date identified, as you previously testified, the date that it shows Chase began servicing this particular loan?

A. September 15, 2005.

Q. Okay. As servicer on behalf of the Plaintiff HSBC, is Chase -- or does Chase have an agreement with the Plaintiff to service this loan?

A. Yes.



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MS. STEVENS: Your Honor, I have no problem with that. I really don't see the impact of the notice of filing. So I don't have a problem doing it.

THE COURT: Well, again, the Court takes judicial notice of its own court file.

MS. STEVENS: Right.

THE COURT: But just show the one page of Document Number 8 --

MS. STEVENS: That is actually two pages.

THE COURT: -- that counsel is referring to.

MR. ACKLEY: If they could just remove the notice of filing, which also includes content added by Plaintiff's counsel rather than the part of the document as well.

THE COURT: I've already granted the motion.

MR. ACKLEY: Thank you.

THE COURT: So there is no need to further argue. It's always a good idea after you win to --

MR. ACKLEY: Thank you, Your Honor.

THE COURT: Go ahead.

BY MS. STEVENS:

Q. Mr. George, can you identify that document for the Court?

A. It's a copy of a limited power of attorney



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MR. ACKLEY: Objection. Hearsay. Authenticity.

THE COURT: Overruled.

BY MS. STEVENS:

Q. I'm showing you a document that has been pre-marked for identification as Number 8.

MR. ACKLEY: Your Honor, I have no objection to the fundamental document that is included in this exhibit being --

THE COURT: The Exhibit 8 that's not yet been shown to the witness?

MR. ACKLEY: Correct.

THE COURT: Okay.

MR. ACKLEY: I have no objection to the actual document that's contained within the filing being shared with the witness.

I would, however, ask that the court filing documents and service list be removed since they would suggest -- suggest answers to the witness rather than having the witness testify from the document itself.

The document has a notice of filing attached and a service list. I would just ask that those be removed and the basic document be presented as the exhibit.



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between HSBC Bank USA, National Association, as trustee, and J.P. Morgan Chase Bank, National Association.

Q. And is that document a part of the business records that are held and maintained by J.P. Morgan Chase Bank?

MR. ACKLEY: Objection. Hearsay. Authenticity.

THE COURT: Overruled. The witness can answer.

THE WITNESS: Yes.

BY MS. STEVENS:

Q. Okay. And is that power of attorney -- Is that power of attorney the document that gives J.P. Morgan Chase Bank the authority to service this loan and act on behalf of the Plaintiff?

MR. ACKLEY: Same objection.

THE COURT: Overruled.

THE WITNESS: Yes.

BY MS. STEVENS:

Q. And is this business record kept in the regularly conducted business activity of J.P. Morgan Chase Bank?

MR. ACKLEY: Same objection. Hearsay, foundation.

THE COURT: Overruled.



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1 THE WITNESS: Yes.

2 MS. STEVENS: Your Honor, I would introduce
3 the limited power of attorney into evidence as
4 Plaintiff's Exhibit 8.

5 THE COURT: Okay. And your objections are, if
6 any?

7 MR. ACKLEY: I have several, Your Honor. I
8 would object first as to foundation. Again,
9 similar as to previously, I don't believe this
10 witness has been qualified to testify to the
11 information that's necessary to establish an
12 exception to the hearsay rule.

13 THE COURT: Okay.

14 MR. ACKLEY: Secondly, the authenticity of the
15 document has not been established.

16 Thirdly, Your Honor, this document does not
17 appear to be relevant to the case at hand. The
18 case we're here on today is a 2008 case filed
19 initially in 2008. That document appears to
20 provide power of attorney to the Plaintiff only
21 beginning in 2012.

22 I'm not sure why we're being presented with a
23 power of attorney that establishes or purports to
24 establish authority in the Plaintiff to bring this
25 lawsuit four years after the lawsuit was filed.



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1 because there is an issue with whether or not the
2 servicer, who is J.P. Morgan Chase Bank, has the
3 authority and the right to bring this action and
4 service this loan on behalf of the Plaintiff. That
5 has been maintained as one of the defenses or
6 allegations raised by the Defendant throughout this
7 case. And, in fact, the reason why I still have
8 that, and there was a filing attached which the
9 Court can take judicial notice of, is because the
10 Court last year required us to file that power of
11 attorney with the Court to establish proof or
12 verification of J.P. Morgan Chase's authority to
13 actually verify the complaint, which was one of the
14 defenses raised by the Defendant.

15 THE COURT: Okay. Well, the Court finds that
16 the document is admissible. However, I'm going to
17 reserve ruling on the affect of the document on the
18 issues before the Court.

19 The Court finds that the notice of filing,
20 which is a copy of a notice signed by Shenna
21 Stevens dated October 21, 2013, is a matter of
22 record in the court file, as the service list and
23 exhibit are as to whether it was filed in the court
24 file.

25 So I will receive the exhibit itself,



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1 THE COURT: Okay. As to the foundation and
2 the qualifications, based on the witness's prior
3 testimony concerning his familiarity with the
4 record keeping and policies and procedures of
5 J.P. Morgan Chase Bank and his description of his
6 job, I find that he is qualified to testify
7 concerning the foundation facts necessary to
8 establish the business record exception. I, again,
9 overrule for that reason the objection based on
10 foundation.

11 I'd like to see these documents.

12 I also overrule the authenticity objection as
13 to the date and the relevance. I would like to see
14 that record.

15 MS. STEVENS: Okay. And, Your Honor, while
16 you are reviewing that -- Should I wait until you
17 are finished?

18 THE COURT: Yeah. Give me a chance to review.

19 MS. STEVENS: Okay.

20 THE COURT: Okay. Your response?

21 MS. STEVENS: Okay. My response, Your Honor,
22 the date on that power of attorney is not relevant,
23 nor does it take away from the legitimacy and the
24 purpose of that power of attorney.

25 Your Honor, that power of attorney is relevant



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1 Exhibit 8, over the relevance objection.

2 (Plaintiff's Exhibit Number 8 was admitted
3 into evidence.)

4 BY MS. STEVENS:

5 Q. Now, Mr. George, you have previously testified
6 that Chase had acquired servicing of this loan as early
7 as September of 2005.

8 Can you tell the Court when J.P. Morgan Chase
9 Bank acquired the servicing rights of this loan in
10 September of 2005 --

11 MR. ACKLEY: Objection. Hearsay.

12 THE COURT: I'm sorry. The question was when?

13 MS. STEVENS: I didn't even finish my
14 question. I didn't get to finish my question, and
15 he objected.

16 THE COURT: Okay. So I can't rule on the
17 objection yet. I don't know what -- The question I
18 think is without the introductory language when the
19 J.P. Morgan Chase Bank --

20 MS. STEVENS: Acquired the servicing.

21 THE COURT: -- obtained the servicing rights
22 in 2005, comma.

23 MS. STEVENS: Exactly.

24 THE COURT: What is the question?

25 MS. STEVENS: The question is what business



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1 records or what -- what loan documents were also
2 received by Chase at that time?
3 THE COURT: Okay.
4 MR. ACKLEY: I apologize.
5 THE COURT: The witness had testified earlier
6 that the, quote, origination file was received as
7 part of the records. You're asking what specific
8 documents were received at the time they --
9 MS. STEVENS: Acquired the servicing.
10 THE COURT: -- acquired the right to start
11 servicing?
12 MS. STEVENS: Right. Which may be a repeat of
13 his prior testimony. I just have never asked him
14 for a specific date.
15 THE COURT: Right.
16 MR. ACKLEY: I would object as to hearsay.
17 THE COURT: Do you understand this question?
18 THE WITNESS: I think so.
19 THE COURT: And your objection is?
20 MR. ACKLEY: Hearsay and authenticity. The
21 hearsay is that the documents he's presumably seen
22 we question the authenticity of those documents.
23 And they have not been entered into evidence so...
24 THE COURT: To the extent that the objection
25 applies to this question, it's overruled.



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1 THE WITNESS: Yes.
2 BY MS. STEVENS:
3 Q. And so the documents when they are scanned
4 into the system, reflect copies of what the original
5 documents are that you received; is that correct?
6 MR. ACKLEY: Same objection.
7 THE COURT: Same ruling.
8 THE WITNESS: Correct.
9 BY MS. STEVENS:
10 Q. Now, when Chase received -- Well, based upon
11 your review of the business records, were you able to
12 identify from the scanned image of the note whether or
13 not the allonge was attached to the note at the time
14 that Chase received the original documents?
15 MR. ACKLEY: Objection. Hearsay.
16 Authenticity. Lack of foundation.
17 THE COURT: Overruled.
18 THE WITNESS: I don't recall the exact date
19 that I first saw the scanned image of the allonge.
20 BY MS. STEVENS:
21 Q. Okay. But you did see a scanned image?
22 A. Yes, I believe it was in 2006.
23 Q. Okay. Showing you --
24 A. It was scanned in 2006.
25 MR. ACKLEY: Objection.



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1 The witness may answer if you remember the
2 question.
3 THE WITNESS: Yeah, I believe so. Yes.
4 THE COURT: Go ahead.
5 THE WITNESS: We received a large number of
6 documents including the origination package which
7 would include the original application, the HUD-1,
8 the truth in lending RESPA, servicing agreements,
9 the goodbye letter from the original lender to
10 Ocwen, and a large number of other documents
11 included in the general origination file.
12 We also received the original note and
13 mortgage which was deposited in our vault.
14 BY MS. STEVENS:
15 Q. Okay. And when you get these documents as a
16 servicer, are these documents scanned or imaged in
17 Chase's system?
18 MR. ACKLEY: Objection. Hearsay.
19 Authenticity.
20 THE COURT: Overruled.
21 THE WITNESS: Yes. Into a system that's
22 called iVolt.
23 THE COURT: What it's called?
24 THE WITNESS: iVolt.
25 THE COURT: I-V-0?



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1 THE COURT: I'm sorry. I didn't hear you.
2 THE WITNESS: It was scanned in 2006.
3 MR. ACKLEY: Your Honor, I would object to
4 authenticity and hearsay.
5 THE COURT: I'm sorry?
6 MR. ACKLEY: Same objection. Authenticity and
7 hearsay.
8 THE COURT: You can't object in the middle of
9 the answer here. But the Court had previously
10 overruled that same objection before he started the
11 answer.
12 And as I understand it, you don't remember the
13 exact date that you first saw the allonge, correct?
14 THE WITNESS: Not quite. When the document is
15 scanned into iVolt, it will actually in the header
16 show the date that it was scanned because it was
17 scanned as a secured PDF. And I don't recall what
18 that exact date was. So I went back looking for
19 the records to look at an image of the note before
20 the complaint was filed.
21 THE COURT: Okay. Thank you.
22 BY MS. STEVENS:
23 Q. Showing you a document that has been
24 pre-marked for identification as Exhibit 5.
25 MS. STEVENS: May I approach, Your Honor?



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1 THE COURT: Yes.
2 BY MS. STEVENS:
3 Q. Mr. George, can you identify that document for
4 the Court?
5 MR. ACKLEY: Objection. Hearsay.
6 Authenticity.
7 THE COURT: Overruled.
8 THE WITNESS: This is a --
9 THE COURT: You can answer.
10 THE WITNESS: This is a screenshot from iVolt.
11 BY MS. STEVENS:
12 Q. Okay. And what does that screenshot from
13 iVolt reflect?
14 MR. ACKLEY: Same objection.
15 THE COURT: Same ruling.
16 THE WITNESS: It shows the allonge for this
17 loan. It has the borrowers' names,
18 Thomas Petrovsky and Nancy Petrovsky, the loan
19 number, the originating lender, and it has a
20 scanned date of 1/3/2006.
21 BY MS. STEVENS:
22 Q. Okay. And when you say the scan date, is the
23 document that's scanned in, is it scanned in at or near
24 the time that the information is received?
25 MR. ACKLEY: Same objection.



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1 BY MS. STEVENS:
2 Q. And is this business record kept in the course
3 of the regularly conducted business activity of
4 J.P. Morgan Chase Bank?
5 MR. ACKLEY: Objection. Hearsay.
6 Authenticity.
7 THE COURT: Same ruling.
8 THE WITNESS: Yes.
9 BY MS. STEVENS:
10 Q. And is it the regular practice of J.P. Morgan
11 Chase Bank to make this type of record?
12 MR. ACKLEY: Same objection.
13 THE COURT: Same ruling.
14 THE WITNESS: Yes.
15 BY MS. STEVENS:
16 Q. Okay. Your Honor, I'd like to introduce this
17 document, the screenshot of the iVolt as Plaintiff's
18 Exhibit 5?
19 THE COURT: Five. And your objection?
20 MR. ACKLEY: May I look at Exhibit --
21 THE COURT: I'm sorry?
22 MR. ACKLEY: Can I look at Exhibit Number 1,
23 Your Honor, before I state my objection?
24 THE COURT: Sure.
25 MR. ACKLEY: May I look at the exhibit, Your



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1 THE WITNESS: Yes.
2 THE COURT: Same ruling.
3 THE WITNESS: Yes.
4 BY MS. STEVENS:
5 Q. And is this particular record a business
6 record of J.P. Morgan Chase Bank?
7 MR. ACKLEY: Hearsay. Authenticity.
8 Objection.
9 THE COURT: Overruled.
10 THE WITNESS: Yes.
11 BY MS. STEVENS:
12 Q. And is this record made by or received from
13 information transmitted by a person with knowledge of
14 the activity?
15 MR. ACKLEY: Same objection.
16 THE COURT: Same ruling.
17 THE WITNESS: Yes.
18 BY MS. STEVENS:
19 Q. And does the person making the record have a
20 duty to accurately compile this information for the
21 business record?
22 MR. ACKLEY: Same objection.
23 THE COURT: Same ruling.
24 THE WITNESS: Yes.
25



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1 Honor?
2 THE COURT: Yes.
3 MR. ACKLEY: Thank you.
4 Your Honor, we would object as to foundation
5 and hearsay.
6 Specifically this is a printout of a
7 screenshot from a system maintained and created by
8 the Plaintiff as far as we know.
9 May I voir dire the witness on that?
10 THE COURT: You can question him on all of
11 these issues during cross-examination.
12 MR. ACKLEY: Very good.
13 Okay. Authenticity and hearsay are my primary
14 objections, Your Honor.
15 THE COURT: Okay. Overruled. The Court will
16 receive Number 5 over those objections.
17 (Plaintiff's Exhibit Number 5 was admitted
18 into evidence.)
19 MS. STEVENS: Your Honor, did you need to
20 review, or just pass it to the clerk?
21 THE COURT: Yeah. Thank you.
22 BY MS. STEVENS:
23 Q. Mr. George, did Chase retain the services of
24 Florida Default Law Group now known as Ronald R. Wolfe &
25 Associates to represent it when this loan became



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1 delinquent?
2 MR. ACKLEY: Objection. Hearsay.
3 Authenticity.
4 THE COURT: Overruled.
5 THE WITNESS: Yes.
6 BY MS. STEVENS:
7 Q. And did it agree to pay a reasonable
8 attorney's fee?
9 MR. ACKLEY: Same objection.
10 THE COURT: Same ruling.
11 THE WITNESS: Yes.
12 MS. STEVENS: Your Honor, we have filed our
13 affidavit of attorney's fees and costs on March 13,
14 2014, which is reflected in the total judgment
15 amount.
16 BY MS. STEVENS:
17 Q. Mr. George, is the loan for this mortgage
18 still delinquent and due?
19 A. Yes, it is.
20 Q. And did you or someone in your office assist
21 us in gathering the amounts that are due and owing on
22 this loan?
23 MR. ACKLEY: Objection. Hearsay.
24 THE COURT: Overruled.
25 THE WITNESS: Yes.



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1 BY MS. STEVENS:
2 Q. And what system within Chase maintains that
3 particular business record?
4 MR. ACKLEY: Same objection.
5 THE COURT: Same ruling.
6 THE WITNESS: It would actually be -- Well,
7 let me clarify this. The first three pages would
8 be maintained in Mortgage Servicing Package and in
9 LPS Desktop and in iVolt. All four pages together
10 would be maintained in LPS Desktop and iVolt.
11 BY MS. STEVENS:
12 Q. Okay. Now, those numbers that are reflected
13 in that document, are those numbers also extrapolated
14 from the payment history that was previously introduced
15 into evidence?
16 MR. ACKLEY: Objection. Hearsay.
17 Authenticity.
18 THE COURT: Overruled.
19 THE WITNESS: Yes.
20 BY MS. STEVENS:
21 Q. Okay. And the entries that are made on that
22 document, are they made at or near the time that the
23 information is received?
24 MR. ACKLEY: Same objection.
25 THE COURT: Same ruling.



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1 BY MS. STEVENS:
2 Q. And did you identify all the amounts that are
3 due and owing on this loan exclusive of attorney's fees
4 and costs from Plaintiff's counsel based upon the
5 business records that you reviewed?
6 MR. ACKLEY: Same objection.
7 THE COURT: Same ruling.
8 THE WITNESS: Yes.
9 BY MS. STEVENS:
10 Q. I'm showing you a document that has been
11 marked for identification as Plaintiff's Exhibit 9.
12 Mr. George, I'm showing you a document that
13 has been pre-marked for identification as Plaintiff's
14 Exhibit 9. Can you tell the Court what that document
15 is?
16 A. It's commonly referred to as a FC999 letter.
17 It's what we provide to outside counsel --
18 Q. Okay.
19 A. -- in helping them prepare the proposed final
20 judgment.
21 Q. Okay. And the system -- Is that record
22 generated on a system maintained by Chase?
23 A. Yes.
24 MR. ACKLEY: Objection. Hearsay.
25 THE COURT: Overruled.



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1 THE WITNESS: Yes.
2 BY MS. STEVENS:
3 Q. And is the record made by or information
4 transmitted by a person with knowledge of the activity
5 or the event?
6 MR. ACKLEY: Same objection. Hearsay.
7 Authenticity.
8 THE COURT: Same ruling.
9 THE WITNESS: Yes.
10 BY MS. STEVENS:
11 Q. And does the person making this report have a
12 duty to accurately compile this information for this
13 record?
14 MR. ACKLEY: Same objection.
15 THE COURT: Same ruling.
16 THE WITNESS: Yes.
17 BY MS. STEVENS:
18 Q. And is the business record kept in the course
19 of the normally conducted business practice of
20 J.P. Morgan Chase Bank?
21 MR. ACKLEY: Same objection.
22 THE COURT: Same ruling.
23 THE WITNESS: Yes.
24 BY MS. STEVENS:
25 Q. And is it the regular practice of J.P. Morgan



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1 Chase Bank to make this record?

2 MR. ACKLEY: Same objection.

3 THE COURT: Same ruling.

4 THE WITNESS: Yes.

5 BY MS. STEVENS:

6 Q. Now, this record --

7 MS. STEVENS: Oh, Your Honor, I'd like to

8 introduce this record into evidence as Plaintiff's

9 Exhibit 9.

10 THE COURT: May I see it? Thank you.

11 MR. ACKLEY: May I state for the record, Your

12 Honor, I would object on a number of grounds.

13 First, clearly this is a document that the witness

14 has testified himself that it was created for

15 purposes of litigation, not as part of the regular

16 business practices of the Plaintiff.

17 In fact, there is another issue here in that

18 this is multiple different documents. Each of the

19 first three pages are identified as page one of

20 one. So those are three distinct documents crafted

21 from evidently one system. And the fourth page is

22 yet another document from another system entirely.

23 They may be stored together on the LPS and

24 some other system, but they weren't created

25 together, and they weren't evidently created in the



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1 next question for the witness.

2 THE COURT: Okay. Anything you need to add?

3 MR. ACKLEY: No. I think that completes the

4 objection, Your Honor.

5 THE COURT: The Court finds that while the

6 numbers may have been put together on one page for

7 litigation, they are all from documents that are in

8 this system that meet the business record

9 exception. So I will receive it over those

10 objections and the -- I think they were hearsay and

11 foundation --

12 MR. ACKLEY: Yes, Your Honor.

13 THE COURT: -- objections as well.

14 (Plaintiff's Exhibit Number 9 was admitted

15 into evidence.)

16 BY MS. STEVENS:

17 Q. Now, Mr. George, both Exhibit Nine, the FC998

18 screen and the payment history screen, both of these

19 documents do not give you the total amount that's due

20 and owing on this loan; is that correct?

21 A. Correct.

22 Q. Okay. But both documents -- both documents

23 are utilized to assist Plaintiff's counsel to determine

24 the amounts due and owing on the loan; is that correct?

25 A. Correct.



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1 same system.

2 I would also object that we have had no

3 foundation as to this witness's capacity to testify

4 as to the necessary elements to qualify as an

5 exception under the hearsay rule, whether it's 90

6 point --

7 THE COURT: Do you want to respond to the

8 first portion of the objection?

9 MS. STEVENS: Yes, Your Honor.

10 The witness testified, yes, that the documents

11 came from multiple systems within J.P. Morgan Chase

12 Bank. But the entire composite of the document,

13 all four pages, reflect the total amounts due and

14 owing and which would have come from different

15 departments as testified by the witness.

16 Also testified -- The witness also testified

17 that this was a business record of J.P. Morgan

18 Chase Bank as it came from multiple systems within

19 J.P. Morgan Chase Bank to generate the amounts that

20 are due and owing.

21 The fact that this composite all came together

22 and was printed out for purposes of the trial has

23 no merit and bearing on this case because the

24 document had to be generated in order to determine

25 the amounts that are due and owing, which is my



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1 MR. ACKLEY: Objection. Confusing. Which

2 documents are we referring to, Your Honor.

3 THE COURT: The last --

4 MS. STEVENS: The payment history I showed,

5 and the last document, the FC998 screen.

6 THE COURT: Number 9 and the --

7 MS. STEVENS: And Number 4.

8 THE COURT: -- history, which was Number 4.

9 The witness may answer.

10 THE WITNESS: Yes.

11 BY MS. STEVENS:

12 Q. Okay. And if I show you a proposed final

13 judgment, would that assist you or refresh your

14 recollection on what the total amount that is due and

15 owing on this loan?

16 MR. ACKLEY: I object, Your Honor. There has

17 been no testimony that this witness has had

18 anything to do with the creation of a final

19 judgment form. It's totally improper refreshment

20 of recollection.

21 MS. STEVENS: Well, the witness did --

22 THE COURT: You need to establish the

23 predicate for that question with this witness.

24 BY MS. STEVENS:

25 Q. Mr. George, did you assist our office in



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1 determining the amount that are due and owing on the
2 loan for purpose of creating the final judgment?
3 A. Yes.
4 MR. ACKLEY: Objection. Hearsay.
5 THE COURT: Overruled.
6 BY MS. STEVENS:
7 Q. And if I show you the final judgment, would it
8 refresh your recollection as to the total amount that's
9 due and owing --
10 MR. ACKLEY: Same --
11 BY MS. STEVENS:
12 Q. -- on this loan?
13 MR. ACKLEY: Same objection as before.
14 THE COURT: You have to let the questioning
15 attorney finish her question before you jump up and
16 start objecting.
17 MR. ACKLEY: I apologize.
18 THE COURT: Could you ask that question again,
19 please?
20 MS. STEVENS: Thank you.
21 BY MS. STEVENS:
22 Q. If I show you the proposed final judgment,
23 would that refresh your recollection on the total amount
24 that's due and owing on this loan?
25 MR. ACKLEY: The same objection as before,



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1 THE COURT: Okay. Let him finish looking at
2 it. Before we ask the question, you will be shown
3 this document.
4 MR. ACKLEY: Very good. Thank you.
5 BY MS. STEVENS:
6 Q. Mr. George, does that document refresh your
7 recollection as to the total amount that's due and owing
8 on this loan?
9 A. Yes, it does.
10 Q. Okay. And inclusive of attorney's fees and
11 costs, what's the total amount that the Plaintiff is
12 seeking in this action?
13 A. \$439,757.93.
14 MR. ACKLEY: Objection to hearsay, Your Honor.
15 It's reading right off the document.
16 THE COURT: Overruled.
17 BY MS. STEVENS:
18 Q. And are you asking for entry of final judgment
19 on behalf of the Plaintiff?
20 MR. ACKLEY: Same objection.
21 THE COURT: Same ruling.
22 THE WITNESS: Yes.
23 THE COURT: I'm sorry. Again, I didn't hear
24 the answer when you were reciting the amount.
25 THE WITNESS: Okay. It's \$439,757.93.



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1 Your Honor. This is an improper refreshing of
2 recollection. He has not testified that he had
3 anything to do with the creation of this document.
4 It's not refreshing his recollection. It's showing
5 him a new document.
6 MS. STEVENS: He did refine, Your Honor. And
7 my first question then was did he assist our office
8 in gathering the amount due and owing for purposes
9 of creating the final judgment. His answer was
10 yes.
11 THE COURT: So do you remember the numbers?
12 THE WITNESS: Not all of them right off the
13 top of my head, no.
14 THE COURT: You can show him the document.
15 MS. STEVENS: May I approach, Your Honor?
16 THE COURT: Yes.
17 MR. ACKLEY: You're overruling my objection,
18 Your Honor?
19 THE COURT: That's true.
20 MR. ACKLEY: May I see the document actually,
21 Counsel? I apologize.
22 THE COURT: You may see it.
23 MS. STEVENS: I'm sorry.
24 THE COURT: But did you finish looking at it?
25 THE WITNESS: No.



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1 THE COURT: Okay.
2 MS. STEVENS: Your Honor, I have no further
3 questions for this witness.
4 THE COURT: Okay. Cross-examination.
5 CROSS-EXAMINATION
6 BY MR. ACKLEY:
7 Q. Good morning.
8 A. Good morning.
9 Q. Mr. George, you've testified that you've been
10 working for J.P. Morgan Chase since roughly 2011; is
11 that correct?
12 A. Correct. July of 2011.
13 Q. And your position when you first joined
14 J.P. Morgan Chase was what?
15 A. Senior operations specialist.
16 Q. And what was your role as a senior operations
17 specialist?
18 A. I had three separate roles under that same job
19 title. The first was as an affiant I would review and
20 execute foreclosure related documents.
21 And the second role I was also known as an
22 attorney liaison. Basically I was the main point of
23 contact for one of our foreclosure firms and managed the
24 entire foreclosure process for that firm.
25 Then I also worked in in-person mediations



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1 under that job title.
2 Q. Also related to foreclosure mediation?
3 A. Yes. And outside of foreclosure mediations.
4 Q. How long were you a senior operations
5 specialist?
6 A. Up until November of last year.
7 Q. And what did your title become November of
8 last year?
9 A. Oh, wait. November of 2012.
10 Q. That's fine. And what did your title become
11 then?
12 A. Home loan research officer.
13 Q. Which is your title now?
14 A. Correct.
15 Q. And if you could refresh my recollection, your
16 position now is entirely related to foreclosure as well:
17 Mediation, testimony?
18 A. I can do stuff outside of foreclosure too.
19 Like litigation type -- Testify in cases that aren't
20 related to foreclosure.
21 Q. Oh, I see. Other litigation related matters
22 though?
23 A. Uh-huh.
24 Q. Okay. Have you ever worked in any other
25 departments?



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1 A. Right now I'm helping out customer relations.
2 Q. Before working for J.P. Morgan Chase -- Well,
3 before we get to that, how much of your current position
4 is testifying in cases like you're doing today?
5 A. That really varies, because I do a lot of
6 depositions and mediations also. And I also provide
7 training to new home loan research officers. So it will
8 vary week to week. I have some weeks where I don't
9 attend trial at all. I have some weeks where I am in
10 trial every single day.
11 Q. And how often do you take -- or give
12 depositions rather?
13 A. That also varies depends on the amount of
14 trials and amount of depositions we have required to be.
15 I have gone a month without doing one, and I have done
16 three in one week.
17 Q. How much of your time per month do you
18 estimate do you testify either in deposition or in trial
19 with regard to litigation?
20 A. Again, that can extremely vary from as low as
21 none to as high as maybe three to four hours a day. But
22 some days I'm in and out in half an hour, and then the
23 rest of my day is doing all my other duties.
24 Q. What kind of -- Do you provide training in how
25 to be a home loan research officer?



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1 I'm sorry. What department is a senior
2 operations specialist in?
3 A. When I first started, we were just in the
4 general foreclosure department. As I said, I worked in
5 a couple different positions there. The first two were
6 under the foreclosure department. The third was under
7 the mediation department, and I was also -- also
8 attended trials there. But I wasn't technically in that
9 department.
10 Q. And what department is a home loan research
11 officer in?
12 A. Litigation support.
13 Q. Had you worked in any other departments in
14 J.P. Morgan Chase other than those three departments:
15 The general foreclosure department; the mediation
16 department, and litigation support?
17 A. Not as a -- Not in a full-time capacity. But
18 we'll be, let's say, loaned out to other departments on
19 a needed basis every once in a while.
20 Q. How often does that happen?
21 A. I'm doing it right now as soon as I get out of
22 here. It's basically on an as-needed basis. I have
23 done it I think twice -- this is the second time this
24 year.
25 Q. And what department do you go help out?



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1 A. Yes.
2 Q. What kind of training do you provide?
3 A. We will start with them shadowing me. They
4 will either come watch me actually in a deposition or in
5 a trial. I will actually have them review the same
6 loans that I am working on. I would even -- I mean it
7 varies depending on the level of expertise the new
8 person has, what weak spots they have. Because they
9 have already received other training before they get to
10 me. I'll even go as far as to play defense counsel.
11 Q. So you role-play?
12 A. Yeah.
13 Q. Do you -- So you are providing training on how
14 to be a witness; is that fair?
15 A. Not really, because I would say more than
16 50 percent of my job is in how to actually research the
17 files. The testimony part is what makes everybody
18 extremely nervous. But really it's the lesser part of
19 the job.
20 Actually researching the files -- I mean you
21 may find that, you know, the file is not supposed to be
22 in foreclosure and get it dismissed. I would say more
23 of the time is in the actual research of loans.
24 Q. Did you receive similar training yourself when
25 you came on the job?



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1 A. Yes.
2 Q. And who provided you with your training?
3 A. A couple of different people. Lawrence Nardi
4 was one. He was my direct manager when I was first
5 hired. I also received training from in-house and
6 outside counsel.
7 Q. Was this only when you became the home loan
8 research officer back in 2012, or did you receive this
9 training also as a senior operations specialist?
10 A. As the senior operations specialist I did -- I
11 did this capacity part-time on top of my regular
12 full-time job. I believe I first attended and testified
13 at trial in November of 2011.
14 Q. How much time would you say you -- Or how much
15 time was spent on training as you became a senior
16 operations specialist?
17 MS. STEVENS: Objection, Your Honor.
18 BY MR. ACKLEY:
19 Q. Can you measure it in months or weeks or --
20 THE COURT: Objection what?
21 MS. STEVENS: I thought he was finished. I'm
22 sorry.
23 THE COURT: Let him finish the question.
24 Start again.
25 MR. ACKLEY: I'll rephrase. That's fine.



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1 are shadowing me during the training process.
2 Q. Well, that's fine.
3 Have you ever had anybody that you supervised
4 since you worked at J.P. Morgan Chase?
5 A. No.
6 Q. Before you working at J.P. Morgan Chase, where
7 did you work?
8 A. A company called Micavisions,
9 M-I-C-A-V-I-S-I-O-N-S.
10 Q. And what was -- How long were you with
11 Micavisions?
12 A. About eight months.
13 Q. What did you do there?
14 A. Cabinet installer and foreman.
15 Q. You supervised people there?
16 A. Yes.
17 Q. And before Micavisions, were you employed or
18 were you in school?
19 A. I was a vice president of operations for JGE
20 Construction Services, and I was also a partial owner.
21 Q. And how long were you with JGE Construction
22 Services?
23 A. Five years.
24 Q. And before JGE Construction Services?
25 A. I worked for Millwork & Design.



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1 BY MR. ACKLEY:
2 Q. Can you measure or can you estimate in a
3 number of months or weeks how long -- how much time was
4 spent in training for what you're doing now today?
5 THE COURT: Is there an objection?
6 MS. STEVENS: My objection is based upon
7 relevancy, Your Honor.
8 THE COURT: Overruled. The witness can
9 answer.
10 THE WITNESS: I don't know. To get to the
11 point I'm at now, I would say months and months
12 worth of training from when I started up through
13 now.
14 BY MR. ACKLEY:
15 Q. The person you said gave you the training,
16 your direct supervisor, was he a lawyer?
17 A. No.
18 Q. He was a manager in the -- was it the
19 foreclosure, general foreclosure department?
20 A. Yes. Well, he's one of the people. I've had
21 training from dozens of people in different departments.
22 Q. Do you supervise anybody at this point?
23 A. No.
24 Q. Have you ever supervised anybody --
25 A. Let me clarify that. No, other than when they



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1 Q. Was that a company name, Millwork & Design?
2 A. Yes.
3 Q. How long did you work at Millwork & Design?
4 A. Approximately a year-and-a-half.
5 Q. Did you work anywhere before that?
6 A. Yes, several jobs.
7 Q. Any of them banking related?
8 A. Two would be semi-banking related. One
9 directly.
10 Q. What were those jobs?
11 A. I held a real estate sales license in Indiana,
12 and I worked for REA Realty. I also was a loan finalist
13 at First Indiana Bank.
14 Q. And how long were you -- A loan what?
15 A. Loan finalist.
16 Q. At Indiana Bank?
17 A. First Indiana Bank.
18 Q. When did you work there?
19 A. Late '90s.
20 Q. And what was your job there?
21 A. Basically I would put together origination
22 packages right before they went to underwriting: Run
23 flood certifications, contact brokers. Similar to a
24 processor.
25 Q. So as they're selling the loan, you were doing



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1 the preliminary work?

2 A. The origination side, yeah.

3 Q. It doesn't appear that you've ever worked

4 in -- You've never worked anywhere as a loan processor

5 once the loan was established other than what you do

6 with J.P. Morgan Chase, have you?

7 A. Correct.

8 Q. And your role with J.P. Morgan Chase is

9 exclusively with regard to loans that are alleged to be

10 in default or in mediation or in litigation; is that

11 correct?

12 A. Not -- I'm trying to think how to word this.

13 Not entirely. I've also dealt with -- Even though we

14 were in the foreclosure department, we would deal with

15 loans that were not yet in foreclosure. And we would

16 actually have our referral department review them.

17 We had a review to determine if they would

18 come into foreclosure or not. So if they didn't, then

19 they weren't in the foreclosure realm so...

20 MR. ACKLEY: May I approach the witness, Your

21 Honor.

22 THE COURT: Yes, you may.

23 Well, what are you approaching him with, what

24 number?

25 MR. ACKLEY: Exhibit Number 3.



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1 same as it was in 2008?

2 A. It's been titled that since 2008. I don't

3 know if it changed previously before that at some point.

4 Q. Right. Over the years have the policies and

5 procedures changed with regard to how and when such

6 letters are generated by Chase, J.P. Morgan Chase?

7 A. Yes. As required by local, state or federal

8 law.

9 Q. Do you have any idea who generated -- Or is

10 there an individual that generates this letter, or is it

11 currently done by a computer?

12 A. There are -- It is ran through a system called

13 Breach Letter Terminal. Breach Letter Terminal scans

14 Mortgage Servicing Package for loans that meet say a

15 criteria. And that criteria will vary depending on

16 where the loan is located.

17 Like breach letters in New York will have

18 different requirements than Florida. So it would be --

19 The requirements would be different.

20 That will generate a report of which loans

21 need breach letters to be done. That report would be

22 audited where an individual would go through and select

23 random accounts to make sure that the report is right

24 and accurate. Then that report would be used to

25 generate the breach letter.



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1 THE COURT: Yes, you may.

2 MR. ACKLEY: Thank you.

3 BY MR. ACKLEY:

4 Q. You have in front of you an exhibit that's

5 been entered into evidence as Plaintiff's Exhibit

6 Number 3?

7 A. Correct.

8 Q. Have you ever worked in the department that

9 generates those letters?

10 A. Not on a full-time basis. But I have been to

11 that department and performed work in that department.

12 Q. When was that?

13 A. Last year.

14 Q. What department is that?

15 A. We call it the breach letter department.

16 Q. This isn't a copy of the letter that was sent,

17 is it?

18 A. No.

19 Q. What is it?

20 A. It's a printout from the Mortgage Servicing

21 Package. It was a letter that was sent. A copy would

22 have the header information with the Chase logo at the

23 top and stuff like that.

24 Q. So the breach letter department, has that name

25 of the department changed over the years or is it the



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1 Q. One thing I failed to ask, where do you live

2 now?

3 A. Tampa, Florida. Odessa, Florida. Tampa area.

4 Q. That's fine. And have you lived there -- How

5 many years have you lived there?

6 A. In that general area --

7 MS. STEVENS: Objection. Relevancy, Your

8 Honor.

9 THE COURT: Sustained.

10 BY MR. ACKLEY:

11 Q. Is that where you work, in the Tampa area?

12 A. Yes.

13 Q. And how long have you worked in the Tampa

14 area?

15 A. Since 2002.

16 Q. So for the entire time that you worked at

17 J.P. Morgan Chase, you lived in that area?

18 A. Yes.

19 Q. The breach letter department, how many -- is

20 there more than one department -- breach letter

21 department in J.P. Morgan Chase?

22 A. Not currently, no.

23 Q. That implies there were more than one at one

24 point?

25 A. Correct.



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1 Q. When was that?
2 A. There was actually two occurrences of that.
3 One was when we acquired Bear Stearns, which included
4 EMC. There was a brief period of where EMC's -- We had
5 ownership of EMC's breach letter department and ours
6 until they were merged.
7 Same thing when we took over Washington
8 Mutual.
9 Q. And when did you take over EMC?
10 A. January 1, 2005.
11 Q. And when was that merged into one department,
12 do you know?
13 A. Shortly thereafter, but I don't know the exact
14 date.
15 Q. And when did you take over Washington Mutual?
16 A. 9/25/2008.
17 Q. Where is that department located?
18 A. In Jacksonville, Florida.
19 Q. And that does all the breach letters for
20 J.P. Morgan Chase nationwide?
21 A. Yes.
22 Q. Did it do so back in January of 2008?
23 A. Yes.
24 Q. How many people work in that department?
25 MS. STEVENS: Objection to relevance, Your



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1 respond to anywhere -- In certain states the breach
2 letter requirements are different literally by county.
3 And as those requirements change, we have to change our
4 policies and procedures for sending breach letters
5 because that department sends for every state in the
6 entire country.
7 Q. Is there any evidence whatsoever other than
8 the copy of the document in front of you that this
9 letter was sent?
10 MS. STEVENS: Objection, Your Honor. The
11 Defendant has already testified to receiving the
12 letter and the contents of the letter. He
13 testified in direct examination. So I don't think
14 that question is relevant as to this witness.
15 THE COURT: Could you repeat the question,
16 please?
17 MR. ACKLEY: My question was whether or not
18 there was any evidence that this letter --
19 THE COURT: What is the question, and say it
20 as though it's a question.
21 Never mind. Let me ask the court reporter to
22 read back the question.
23 (The question was read back.)
24 THE COURT: I'll sustain the objection.
25 MR. ACKLEY: May I have one second, Your



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1 Honor.
2 THE COURT: Overruled. The witness can
3 answer.
4 THE WITNESS: I'm not sure of the exact number
5 of people. It takes up two floors in the building.
6 BY MR. ACKLEY:
7 Q. So a lot of people --
8 A. Yeah.
9 Q. -- in general?
10 A. Uh-huh.
11 Q. Okay. Do you have any idea who would have
12 generated the letter that you say is reproduced in front
13 of you?
14 A. Not off what's contained within this letter.
15 Q. You said last year you worked in the breach
16 department?
17 A. Yes. That was one of my other duties. I'd
18 actually go and physically work in other departments at
19 Chase to learn. That's how I learned their policies,
20 procedures, practices. Actually go there and work there
21 for it could be as little four hours up to multiple
22 days.
23 Q. Did the breach letter department change its
24 policies between 2008 and 2013?
25 A. Some, yes. As I stated previously, we have to



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1 Honor?
2 THE COURT: Yes, you may.
3 MR. ACKLEY: May I see the exhibit, please?
4 Thank you.
5 BY MR. ACKLEY:
6 Q. May I ask you does this letter reflect a date
7 30 days from the date of the notice when -- by when the
8 borrower needs to cure the default?
9 THE COURT: I do not understand that question.
10 MR. ACKLEY: I'll rephrase.
11 BY MR. ACKLEY:
12 Q. Does the body of this letter reflect anywhere
13 a date, a specific date not less than 30 days from the
14 date of the letter by which the Plaintiff or the
15 borrower rather must secure the default in order to
16 avoid acceleration?
17 MS. STEVENS: Objection, Your Honor. The
18 document speaks for itself.
19 THE COURT: I think that's true. And so I
20 will sustain that objection.
21 MR. ACKLEY: Very good.
22 THE COURT: It's in evidence and it says
23 whatever it says.
24 MR. ACKLEY: Well -- All right.
25 Your Honor, may I approach with Exhibit



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1 Number 8?

2 THE COURT: Yes.

3 MR. ACKLEY: I'll take back Exhibit Number 3

4 and give it to the clerk. Thank you.

5 BY MR. ACKLEY:

6 Q. I'm showing you Exhibit Number 8. In looking

7 at Exhibit Number 8, I would like to ask you you've

8 previously testified that this is a power of attorney

9 providing the Plaintiff with the power to represent

10 HSBC; is that correct?

11 A. Correct.

12 Q. Can I ask you which department at J.P. Morgan

13 Chase would have generated this letter or this document?

14 A. I honestly don't know who generated the

15 document. It's actually signed by somebody from HSBC

16 Bank. It would be maintained by our investor relations

17 team in a system called LISA, which stands for Loan

18 Investor Servicing Answers.

19 Q. Which department maintains LISA?

20 A. Could you clarify maintains?

21 Q. The LISA, is that the computer system this is

22 maintained in or the image is maintained in?

23 A. Yes. Yes.

24 Q. Who controls the LISA program?

25 A. Information put into LISA would be put in by



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1 A. When they are received depending on how

2 they're received, they will be imaged into LISA under

3 the documents tab for that specific investor within 24

4 hours of being received.

5 Q. And you know that how?

6 A. That is the policy and procedure from

7 reviewing the actual policy and procedure.

8 Q. And do you know whether or not the people who

9 work in that department actually abide by that policy?

10 A. I was not physically there when they imaged

11 this into LISA, so no.

12 Q. Do you know if anybody who imaged in the

13 document would be familiar with the document, or is that

14 not a necessary part of the job?

15 A. No, they would be familiar with the document.

16 Q. And how do you know that?

17 A. A couple of different ways. I've actually

18 called there and talked to a multitude of people in that

19 department about documents because I can actually

20 request those type of documents from them and then call

21 them if I have questions related to this.

22 Q. When was the first time you saw this document?

23 A. I don't recall the exact date.

24 Q. Was it only with regard to this case, or have

25 you seen it in other cases?



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1 our investor relations department.

2 But our MIS department actually does like the

3 I.T. work on maintaining it. That's why I was asking

4 for the clarification about the word maintains.

5 Q. That's a fair question. I understand.

6 I.S. department?

7 A. MIS, management information systems.

8 Q. So the investor relations department, is that

9 a part of the -- Is that a separate department within

10 J.P. Morgan Chase?

11 A. Yes, it is.

12 Q. And have you ever worked for investor

13 relations?

14 A. No, I have not.

15 Q. Have you ever supervised anybody that works

16 for investor relations?

17 A. No.

18 Q. You've never read their policies and

19 procedures, have you?

20 A. Yes, I have.

21 Q. And when did you do that?

22 A. Several times over the past three years.

23 Q. All right. And what is their policy with

24 regard to recording images of powers of attorney when

25 they are received by the corporation?



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1 A. It is quite possible I have seen it in other

2 cases for the same trust. That's why I said I'm not

3 exactly sure.

4 MR. ACKLEY: May I approach with Exhibit

5 Number 5, Your Honor?

6 THE COURT: Yes. If you would return the

7 other exhibit, please.

8 MR. ACKLEY: Yes.

9 BY MR. ACKLEY:

10 Q. As you look at Exhibit Number 5, you

11 previously testified that it was imaged into the system

12 and the date is reflected in the computer; is that

13 correct?

14 A. Correct. It has the scan date.

15 Q. Can I ask you what department would have

16 responsibility for imaging in the system?

17 A. Into -- Well, multiple departments have the

18 ability to enter documents into iVolt.

19 Q. Which departments, do you know?

20 A. I can start running a list. Any department

21 that has to maintain documents has the ability to scan

22 documents into iVolt. So you are talking dozens and

23 dozens of departments across the --

24 Q. So virtually the whole corporation basically

25 has access to iVolt; is that correct?



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1 A. No. They would have access to -- Some only
2 have access to view iVolt. I can't upload anything to
3 iVolt. I can only go in to view it.
4 Q. Who can upload to iVolt?
5 A. There would still be dozens of departments
6 that could. Loss mitigation could upload any loss mit.
7 type of docs. The vault would upload collateral docs.,
8 credit file docs. The escrow department could upload
9 anything -- any documentation related to escrow and so
10 on and so forth.
11 But iVolt is only related to mortgage banking.
12 So like investment banking wouldn't use iVolt. They
13 have their own imaging system.
14 Q. And who maintains the iVolt system?
15 A. Management information systems does the actual
16 I.T. maintaining of it.
17 Q. Have you ever worked for MIS?
18 A. No, I have not.
19 Q. I guess my question comes back to do you know
20 the policy and procedures within MIS?
21 A. Not all of them, no.
22 Q. Do you know the people that work at MIS?
23 A. Some of them.
24 Q. Do you know who maintains iVolt?
25 A. It's an I.T. department. So it would depend



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1 BY MR. ACKLEY:
2 Q. Who has access to the software that created
3 the screen? The iVolt software I guess is the question
4 ultimately.
5 A. I think you're trying to ask me who has
6 control over that scan date.
7 Q. Yes.
8 A. Okay. That scan date are hard coded, because
9 they are imaged as secured PDFs. And I guess somebody
10 at O.B. could probably recode secured PDFs. I'm not
11 sure if anybody in our I.T. department would be that
12 advanced or not. But that is automatically put in there
13 as it is a secured PDF.
14 Q. That's really an important point. You're not
15 sure if anybody would be that advanced, but you don't
16 know for sure if they're not, right?
17 A. Correct.
18 Q. And when you say -- What was the phrase, it's
19 hard coded; is that what you used?
20 A. It's a secure PDF. So when you upload an
21 image, the actual secure PDF software puts that date in
22 there.
23 Q. Right. So what you are telling us though is
24 that the software controls what date is reflected there,
25 right?



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1 on what part of maintain. Any of them could technically
2 work on iVolt I would assume.
3 Q. So if I understand correctly, dozens of
4 departments have the ability to input data into iVolt?
5 Input images; I'm sorry.
6 A. Input images. You have the upload ability.
7 And it would -- It actually shows us who uploaded it and
8 when and all that.
9 Q. And virtually the whole management information
10 systems department has access to the software; is that
11 correct?
12 A. I really can't state how many people in there
13 have access to the software or not.
14 Q. As you look at Exhibit Number 5, you've
15 testified that there is a date reflected on that
16 document as to when the image was scanned in; is that
17 correct?
18 A. Correct.
19 Q. Tell me something, who has access to
20 controlling the dates that are reflected on that screen?
21 A. As far as --
22 THE COURT: I don't understand that question.
23 MR. ACKLEY: I can rephrase if you'd like.
24 THE COURT: Okay.
25



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1 A. Correct.
2 Q. And that's not actually part of the document,
3 is it? It's data that's in the software?
4 A. I'm not exactly sure how to answer that. It's
5 not part of the actual image of the document. It's like
6 you could equate this similar to an Internet Explorer
7 window. And the scan dates in the header part; where
8 the document is in the viewable part.
9 Q. Let me rephrase then or let me articulate it
10 in a different way. As a user, general daily user of
11 the software, you don't have access to that information
12 is what you are telling me, right?
13 THE COURT: I'm sorry. Who doesn't have
14 access?
15 MR. ACKLEY: The every day users of the
16 system, the people who --
17 THE COURT: I don't know what you mean. You
18 said "we", as in we counsel.
19 MR. ACKLEY: Well, yeah. He was using
20 Internet Explorer as an example.
21 BY MR. ACKLEY:
22 Q. But like with Internet Explorer, I don't know
23 how to change the dates on stuff, but software people
24 do, correct?
25 THE COURT: Okay. No, no, no. You cannot ask



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1 this witness what you know or what you don't know.
2 Let's stick to the issues --
3 MR. ACKLEY: Very good, Your Honor.
4 THE COURT: -- in the case. Okay?
5 MR. ACKLEY: I apologize. I'm struggling on
6 how to phrase the question. I'm trying to get it
7 right. I don't want to mislead the Court.
8 THE COURT: Well, let me then note that it is
9 a couple minutes after 12:00, and we could take a
10 break for lunch. I'm suggesting that we take a
11 brief break. We can only go until 2:00 today.
12 You will have to come back tomorrow morning to
13 finish up if we don't finish today. We can take a
14 brief break, give you all time to go down -- you
15 know, take a little breather and go down to the
16 snack bar and get a little something.
17 What do you think, about maybe 20 minutes;
18 would be that sufficient for everybody?
19 MR. ACKLEY: To go downstairs, twenty minutes?
20 THE COURT: Try. Try if you can. There may
21 be lines. But I'd like you to have the opportunity
22 to get something to eat, and then we will come
23 back, and we will continue. Okay?
24 MS. STEVENS: Okay.
25 THE COURT: Everybody can take this break. We



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1 When was the first time you saw the document
2 that you have before you today marked as Exhibit 5?
3 That physical document; when was first time you saw that
4 physical printout?
5 A. I don't recall the exact date. The most
6 recent time was last night. But I saw it prior to that
7 also.
8 Q. When did you see it prior to that?
9 A. I don't recall the exact date. It would have
10 been in getting ready for this trial.
11 Q. For this trial today?
12 A. Yes.
13 Q. So it wouldn't have been more than a month
14 ago; is that fair?
15 A. Probably.
16 Q. Okay. And had you previously -- Just seeing
17 that physical document that's been marked as Exhibit 5,
18 had you seen the image in any computer system that you
19 see before you?
20 A. Yes.
21 Q. And when did you see that?
22 A. Along those same time frames.
23 Q. All right. You hadn't seen it before that?
24 A. I'm actually the one who screen printed this.
25 Q. Okay. Good. Is the date of printing



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1 will secure the courtroom. You can leave your
2 things on your table.
3 MS. STEVENS: Okay.
4 THE COURT: That has to go back, referring to
5 the marked exhibit - thank you, sir - goes back to
6 the clerk.
7 The witness, you get to take a break also.
8 But you're technically on the witness stand during
9 this break.
10 THE WITNESS: I understand.
11 THE COURT: So we'll come back. It's five
12 past. We'll try and come back by 25 past.
13 MR. ACKLEY: Thank you, Your Honor.
14 THE COURT: Thank you.
15 (Luncheon recess was taken from 12:05 until
16 12:33 after which the following proceedings were had:)
17 THE COURT: Okay. So good job. I hope
18 everybody got something to eat. I know it probably
19 wasn't so easy to get back here.
20 But now we'll continue the cross-examination.
21 MR. ACKLEY: Thank you, Your Honor.
22 BY MR. ACKLEY:
23 Q. I will just continue with Exhibit Number 5.
24 May I ask when was the first time you saw that document?
25 Let me rephrase. I'll withdraw the question.



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1 reflected on there by any chance?
2 A. No.
3 Q. And were you shown the physical document in
4 the court file that purports to be the allonge earlier
5 in today's testimony?
6 A. No.
7 MR. ACKLEY: Okay. May we see the court file?
8 BY MR. ACKLEY:
9 Q. Well, I guess before I show you the court file
10 which --
11 MR. ACKLEY: May I approach the witness?
12 THE COURT: You may.
13 BY MR. ACKLEY:
14 Q. I'll just put this here. Before we get in to
15 the court file itself, let me just ask you had you ever
16 seen the document, the physical document that was used
17 to image the image that you testify is reflected in
18 Exhibit Number 5?
19 A. No, I have not seen the original note.
20 Q. Okay. So if the allonge or the document that
21 purports to be an allonge that is reflected in or imaged
22 in Exhibit Number 5 is not an original, you wouldn't
23 know that, would you?
24 A. It's -- I will say it's listed in the scanned
25 information as an original. But I was not there when



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1 they physically scanned it to ensure that it was
2 original. And I've never seen the original note up to
3 this point.
4 Q. So I will ask my question again. You don't
5 know if that's an original or not? You're depending on
6 what you're saying is reflected elsewhere, correct?
7 A. Yes.
8 MR. ACKLEY: Actually, I'd like to show this
9 to counsel before I show it to the witness.
10 BY MR. ACKLEY:
11 Q. Mr. George, I'm showing you a document in the
12 court file. Does this appear to be the document --
13 Actually, there's a hold note.
14 Does that appear to be the document -- Does it
15 include the document that's imaged on Exhibit Number 5?
16 A. Yes.
17 Q. And may I show you Exhibit Number 1? Does
18 that appear to be the document that's reflected in
19 Exhibit Number 1, the document that I am showing you in
20 the court file?
21 A. Yes, it does. But it's been -- Some of the
22 information has been redacted on this version.
23 Q. Okay. I don't recall, did you testify that
24 the document in the court file is an original document
25 or not?



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1 Q. And who would have listed that?
2 A. A member of the scanning department at our
3 vault in Monroe, Louisiana.
4 Q. In Louisiana?
5 A. Correct.
6 Q. You've never worked there?
7 A. No.
8 Q. You've never supervised anybody that works
9 there?
10 A. No.
11 Q. All right. Okay. Thank you.
12 Going back to Exhibit Number 8, do you know
13 Nancy Leong (phonetic)?
14 A. Which --
15 Q. I'm sorry. It's Exhibit Number 8.
16 A. No, I do not.
17 Q. Do you know Jane Yang (phonetic)?
18 A. No.
19 Q. Do you know Susie Moy (phonetic)?
20 A. No.
21 Q. So you wouldn't know their signatures if you
22 saw them, would you?
23 A. No, I would not.
24 MR. ACKLEY: May I take these exhibits,
25 Exhibit Number 9 and 7 and 4?



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1 A. I haven't testified to anything about --
2 Q. Okay.
3 A. -- the document in the court file.
4 Q. The allonge that's attached in the court file
5 that purports to be an original, that's not an original,
6 is it? That's a photocopy, isn't it?
7 A. I don't know.
8 Q. What color is the ink of the initial at the
9 bottom or what appears to be an initial?
10 A. Black.
11 Q. And the initials at the bottom of the rest of
12 the note exhibit, what color are they?
13 A. The initials on the first two pages which
14 appear to be the initials from the borrower are in blue
15 ink.
16 Q. Okay. Looking at the allonge in the file, or
17 even look looking at it here, that's a stamp. Doesn't
18 that appear to be a stamp?
19 A. Yes.
20 Q. The endorsement or the signature?
21 A. Correct.
22 Q. And, in fact, you have no idea what was imaged
23 into the system to create Exhibit Number 5, do you?
24 Whether it was an original or a copy, do you?
25 A. It was listed as the original.



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1 THE COURT: For showing the witness?
2 MR. ACKLEY: Yeah, I'm showing them in a
3 minute.
4 Well, I'll just start with 4. That's easy
5 enough.
6 BY MR. ACKLEY:
7 Q. Mr. George, I'm showing you Exhibit Number 4.
8 You have previously testified that -- Well, let me back
9 up.
10 What department has entered the data that's
11 reflected in Exhibit Number 4?
12 A. There would be at least three departments that
13 entered the information.
14 Q. Which ones are those?
15 A. Payment processing department, our escrow
16 department, and then property preservation has property
17 preservation charges on there.
18 Q. And you've never worked at any of those
19 departments, have you?
20 A. No.
21 Q. You've never supervised anybody that works in
22 those departments, have you?
23 A. Other than like on the outside projects we
24 talked about earlier, the few random ones, I supervised
25 a couple of property preservation individuals. But not



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1 in relation to entering payment information.
2 Q. Okay. You are not in charge of maintaining
3 these payment histories, are you?
4 A. No.
5 Q. You're not involved in inputting the data
6 that's reflected in those payment histories, are you?
7 A. No.
8 Q. You don't know the systems they used to create
9 and maintain the payment history, do you?
10 A. Yes.
11 Q. Which ones?
12 A. The payment information is maintained in
13 Mortgage Servicing Package.
14 Q. Mortgage Servicing Package includes multiple
15 programs or just one program?
16 A. I'm not sure program would be the appropriate
17 term. It's a very large Mortgage Servicing -- Its title
18 is Mortgage Servicing Package. It has a multitude of
19 tools, screens. It's kind of hard to explain. It's
20 like an extremely large database.
21 Q. Do you program in that database?
22 A. Program, no.
23 Q. Have you been trained on how to use that
24 database?
25 A. Yes.



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1 the time we would go directly to the department that
2 input the error. And most of the errors related to
3 incorrect notes put in -- or incomplete notes. Let me
4 rephrase that. And we would make them go back and
5 update to what we were looking for.
6 Q. You don't oversee the use of the programs at
7 this point, do you?
8 A. No.
9 Q. You don't know who input the specific elements
10 or data that's reflected there, do you?
11 A. Not off this printout, no.
12 Q. And, in fact, you can't name the people based
13 on that printout who put in that data, can you?
14 A. No.
15 Q. Do you know -- You don't know anyone who input
16 the tax information, do you?
17 A. I would have to actually go in my system and
18 look at every single tax transaction to make sure I
19 don't know them. Because I do know people who work in
20 that department.
21 Q. So they may or may not have put in the data?
22 A. Correct.
23 Q. Would there be receipts reflecting the tax
24 invoices?
25 A. There could be. I didn't go look for them.



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1 Q. And that's with regard to your work today as
2 an operations specialist, correct?
3 A. Yeah, I've been through at least five separate
4 trainings related to the use and maintenance and input
5 information with Mortgage Servicing Package.
6 Q. Okay. You didn't write any of the program
7 though, did you?
8 A. No, I did not.
9 Q. And you don't test the accuracy of the
10 program?
11 A. Not anymore.
12 Q. Okay. Can you expand on that? When did you
13 test the accuracy of the program?
14 A. In my previous role as a senior operations
15 specialist, I would run reports out of the Mortgage
16 Servicing Package related to loans that were in
17 foreclosure depending on what was needed and would
18 verify that information against LPS Desktop, LenderLive,
19 other systems to make sure that what was in there was
20 accurate. That was one of my duties when I managed the
21 foreclosure process.
22 Q. And what would you do when it wasn't accurate?
23 How would you respond?
24 A. Most of the time it would depend on -- it
25 would obviously depend on what the error is. Most of



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1 So I don't want to speculate on what would be there.
2 Q. What about the insurance, would there be
3 receipts reflecting bills or invoices for insurance
4 payments?
5 A. It's possible.
6 Q. But you don't know today?
7 A. Right. I did not go look for that.
8 Q. Are there other payments besides tax and
9 insurance reflected in the payment history in Exhibit
10 Number 4?
11 A. Yes.
12 Q. What are those payments for?
13 A. Looks like most of them are for property
14 preservation.
15 Q. And property preservation includes what?
16 A. It could include a vast array of things from a
17 simple drive-by inspection to any type of maintenance
18 they performed on the property, cut grass. And
19 sometimes property preservation gives us details putting
20 a new roof on a house.
21 Q. But you can't tell from looking at that what
22 any of those charges are on that document, can you?
23 A. It looks like most of them are just standard
24 inspection fees. Because they're all the exact same fee
25 we charge for every inspection fee. It doesn't



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1 specifically list on here what was actually taking place
2 during that presently.
3 Q. So you can't tell from that other than
4 guessing based on the price range what the payments were
5 for, can you?
6 A. Correct.
7 Q. Would there be receipts or invoices for the
8 services that are provided by property preservation?
9 A. There could be, but I did not go look for
10 those.
11 Q. You never supervised the property preservation
12 department, right, have you?
13 A. Other than what we just talked about earlier,
14 no.
15 Q. Okay. So if I understand the testimony to
16 this point regarding this particular exhibit, there are
17 three different departments that enter the data. And
18 you don't know who entered the data in any one of those
19 particular departments. You may know them just by
20 happenstance, but you don't know from looking at that
21 who entered what?
22 A. Correct.
23 Q. You also don't know if they were entering it
24 at or near the time the data was generated because it
25 doesn't reflect that, does it?



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1 whether the basis is sufficient for the
2 introduction of these amounts for escrow taxes,
3 insurance, property preservation and so forth.
4 MS. STEVENS: Okay.
5 THE COURT: So I will overrule that objection.
6 MR. ACKLEY: Thank you, Your Honor.
7 BY MR. ACKLEY:
8 Q. Actually, generally speaking let's back up to
9 the original questions that counsel asked you this
10 morning.
11 You've never had any interaction with the loan
12 that's the subject of this lawsuit today other than in
13 preparation to testify on behalf of the bank; isn't that
14 correct?
15 A. I'm not sure that I could say that. When I
16 managed the entire foreclosure process, one of the firms
17 I dealt with was Florida Default, which is now Ronald R.
18 Wolfe. So I could have worked on this loan all the way
19 back in 2011. It's possible.
20 Q. That's great actually. I appreciate you being
21 very clear on that. Let me clarify my question.
22 You never actually worked on the loan in
23 collections though, did you?
24 A. No.
25 Q. The only interaction you would have had with



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1 A. It reflects the transaction date that each
2 entry was placed into the system.
3 Q. And does it reflect when the event that's
4 being entered into the system took place?
5 A. No.
6 Q. Have you read the policies and procedures for
7 each of the three departments that have entered the data
8 in that payment history in Exhibit Number 4?
9 A. Yes, sir.
10 MS. STEVENS: Your Honor -- I'm sorry. Are
11 you finished? I'm sorry.
12 THE COURT: Were you finished?
13 MR. ACKLEY: Yeah, I was.
14 MS. STEVENS: Your Honor, I'm objecting to
15 this continual line of questioning primarily
16 because there have been no affirmative defenses
17 raised by defense regarding the misapplication or
18 application of payments.
19 So as it purports to the payment history,
20 which this line of questioning is regarding, I
21 object for relevancy purposes because there is no
22 affirmative defenses raised regarding the same.
23 THE COURT: That is true, there are no
24 affirmative defenses on that issue. But I think
25 counsel is entitled to inquire in order to explore



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1 this loan is in preparation for the litigation that we
2 are here for today, correct?
3 A. Not necessarily.
4 Q. I'm not sure how else your job would have had
5 interaction.
6 THE COURT: Counsel, let's just ask questions.
7 Okay.
8 BY MR. ACKLEY:
9 Q. I'm just asking can you explain that?
10 A. I did say I would have worked on this loan in
11 the foreclosure department before -- It's possible I
12 worked on this loan in the foreclosure department before
13 litigation even started, before the complaint was filed.
14 That's all I'm saying. I don't want to say it's tied to
15 litigation because it may not have been at that point.
16 Q. Okay. But in this particular case when
17 litigation began in 2008, and you've only worked with
18 J.P. Morgan Chase since 2011.
19 A. That's true. Good point.
20 Q. Okay. So we're clear. You would have only
21 interacted with it with regard to litigation; is that
22 correct?
23 A. Yes.
24 Q. Okay. The records reflected in Exhibit Number
25 5 don't include any records from any previous servicers;



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1 isn't that fair?
2 A. Yes.
3 Q. In fact, your earlier testimony, if I
4 understand it, is that the record reflects a balance due
5 on the loan that J.P. Morgan Chase asserts was owed to
6 it when it took on the loan back in September of 2009
7 but doesn't reflect any other interaction; is that fair?
8 A. 2005.
9 Q. I'm sorry. 2005. You're right. I apologize.
10 A. Correct.
11 Q. Okay. So these records only reflect activity
12 on the loan from when Chase, J.P. Morgan Chase took over
13 the loan, but do not reflect any activity prior to that;
14 isn't that correct?
15 A. They don't show the actual transactions. But
16 I don't know if I would say that they don't reflect any
17 activity because the amount due is less than the
18 original amount.
19 So you know that it shows some activity
20 obviously happened, but it doesn't specifically list any
21 payments made or anything of that nature.
22 Q. Well, we don't have any idea what those
23 transactions were, do we?
24 A. Not off this document, no.
25 Q. Does this document reflect payments by the



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1 A. Only the ones that they send over to us when
2 we acquire servicing rights.
3 Q. When was the first time you saw --
4 Well, let me first ask are you the one that
5 printed out this document?
6 A. No.
7 Q. Okay. Was this the first time you've seen
8 this document, or had you seen it before today?
9 A. I had seen it before today. I'd say
10 electronic images of this document.
11 Q. And when did you do that?
12 A. Most recently was last night. I don't recall
13 when the first time was. It would have been sometime
14 after 3/19/2014 because that's the date this was
15 printed. So it would have been recently.
16 Q. It's your job responsibility to review these
17 documents after the case is in litigation; is that
18 correct?
19 A. Currently, yes.
20 Q. Can you show me on the document what the
21 interest rate is that's charged on this loan?
22 A. 6.99 percent. It's on the header of each
23 page.
24 Q. And that's a fixed rate, right?
25 A. It doesn't list whether it's fixed or variable



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1 borrower on November of 2007 or December of 2007 or
2 January of 2008?
3 MS. STEVENS: That's a compound question, Your
4 Honor. So I object on that basis.
5 THE COURT: Sustained.
6 BY MR. ACKLEY:
7 Q. Does this document reflect any payments
8 between November of 2007 and January of 2008?
9 A. Yes.
10 Q. What payments does it reflect in that time
11 frame?
12 A. A payment of \$1,813.12, which was received on
13 11/27/2007. A direct check fee paid on January 4, 2008
14 with a payment on the same date of \$1,813.12.
15 Q. Is it fair to say you never read the policies
16 and procedures for Ocwen or any other servicers that
17 would have serviced this loan prior to J.P. Morgan Chase
18 taking it over?
19 A. I have not read the policies and procedures
20 for Ocwen.
21 Q. And do you have any personal familiarity with
22 Ocwen? Have you ever worked for Ocwen?
23 A. I have never worked for Ocwen, no.
24 Q. So you don't know the policies and procedures,
25 do you?



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1 on here. That would be the current interest rate. I
2 would have to review the note, the refi.
3 Q. And your testimony was that this reflects an
4 accurate accounting for the loan; is that fair?
5 A. Accurate accounting of monetary transactions
6 in and out of the loan.
7 Q. Would that also include the principal balance
8 shown on the loan on that document?
9 A. It shows the current unpaid principle balance,
10 yes.
11 Q. Have you, yourself, calculated the principal
12 amounts to compare whether this is accurate or not?
13 A. No. I have not done a physical calculation of
14 every single payment, no.
15 Q. So you didn't verify the accuracy of the
16 numbers independently. You're just relying on the
17 numbers reflected in the document; is that right?
18 A. No. I take the numbers reflected in the
19 document and compare them against these three other
20 systems.
21 The unpaid principal balance would be
22 reflected in LPS Desktop, Mortgage Servicing Package,
23 which this is printed from. I reviewed it on at least
24 four separate screens in Mortgage Servicing Package.
25 I compare it to the proposed final judgment to



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1 make sure that's accurate. I compare it to previous
2 payment histories that have been ran. This type of
3 report can be ran, you know, almost at will. And it's
4 also in a system called Infosource.
5 Q. Well, let's be clear --
6 A. Same thing with the escrow balance.
7 Q. When you say you've compared it with the final
8 judgment, that's the document that Plaintiff's counsel
9 produces to submit to the Court today; is that right?
10 A. Right. I'm looking to make sure that they
11 didn't make a mistake on that.
12 Q. Okay. So you're comparing to make sure that
13 reflects what is reflected before you correct?
14 A. Correct.
15 Q. And LPS Desktop and Mortgage Servicing Package
16 and Infosource, those are three different computer
17 programs?
18 A. Systems, yes.
19 Q. Systems. All of which are maintained by
20 J.P. Morgan Chase?
21 A. Yes.
22 Q. Where do they get -- Infosource, have we
23 talked about that program before today?
24 A. No.
25 Q. What is Infosource?



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1 A. Also a multitude of sources. It has a
2 multitude of functions. Some information is input from
3 several different foreclosure departments at Chase. You
4 have the ability to upload images.
5 Our outside law firms have the ability to
6 enter some information in there. That's our -- one of
7 our communication tools between us and the outside law
8 firms.
9 Q. And we've already established that Mortgage
10 Servicing Package virtually every department
11 appropriation has access to that, right?
12 A. I would limit that to mortgage banking.
13 Q. Okay.
14 A. Fair enough.
15 Q. For all departments involved in mortgage
16 banking though?
17 A. Correct.
18 Actually, I would clarify with most. I don't
19 like the word all. There may be one that doesn't.
20 Q. That's fine. That's fine.
21 Let me have that exhibit back, please.
22 Looking at Exhibit Number 4 again if you look
23 on the very top page there is a reference number 174 an
24 escrow advance for --
25 A. County tax.



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1 A. Infosource is a system that has a variety of
2 uses. You can use it to generate online letters. It
3 also stores policies and procedures. There's hundreds
4 of different things you can do with it.
5 Q. And who puts the data in that's used by
6 Infosource?
7 A. Depends on which data you're talking about.
8 Some it directly pulls from other systems. Some can be
9 directly input. It really depends on -- Like I say, it
10 can generate a multitude of different types of letters
11 for the imaging function.
12 It's similar to iVolt where it just maintains
13 images, but different departments have the ability to
14 upload those images. That's how I am able to review the
15 policies and procedures from other departments.
16 Any time I have any downtime, that's actually
17 how I spend my downtime reviewing policies and
18 procedures from different departments.
19 Q. When you say it pulls directly, does it pull
20 directly from the Mortgage Servicing Package?
21 A. In some instances, yes.
22 Q. The principal balance?
23 A. Depending on what you're printing, yes.
24 Q. And LPS Desktop, where does it get its data
25 from?



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1 Q. And where does it say that?
2 A. It's the very next -- You can see it's the
3 same transaction date. This basically runs like a
4 ledger. So you can see the amount the bank paid out in
5 county tax and then the amount that's charged to the
6 escrow advance balance for the borrower.
7 Q. Very good. Do you know where the document or
8 invoice reflecting that county tax amount would be kept?
9 A. There is a couple of different places where it
10 can be kept within the escrow department. But like I
11 said, I didn't go look for any of those. I'm not sure.
12 Q. We don't have a copy of that here today, do
13 we?
14 A. No, we do not.
15 Q. Along the same lines if you look at item or
16 reference number 157 on the third page, can you tell me
17 what that is?
18 A. It's an escrow advance for homeowners
19 insurance.
20 Q. And you're talking about the same way, because
21 the reference number 157 and 156 are related?
22 A. Yeah. You can see the exact same transaction
23 date. It runs, like I said, similar to a ledger. You
24 can see where we paid out, and then when we charged that
25 amount to the borrower.



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1 Q. Do you know to whom this insurance was paid?
2 A. I do, but I can't recall the exact name. I
3 looked it up on the HAZ1, INS1 screen, the Mortgage
4 Servicing Package, and it showed me the insurance
5 company name. I don't remember who it is.
6 Q. And we don't have that here today though, do
7 we?
8 A. No, we do not.
9 Q. And we don't know looking at this document
10 what that insurance was or what it was paying for, do
11 we?
12 A. It's just titled homeowners insurance.
13 Q. All right. If you look at item number 161,
14 can you tell me what that is for? Or reference number
15 161. I'm sorry.
16 A. It's a corporate advance disbursement, but it
17 doesn't title what it is for.
18 Q. So we don't know what that is for today?
19 A. No, not off that.
20 Q. Would there be somewhere in your system some
21 document that would reflect what the payment was for?
22 A. The actual system that this is printed off of.
23 When I review it, the Mortgage Servicing Package is in a
24 complete different format, and there would be a
25 transaction code that could show exactly what that was



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1 And -- I'm sorry. And I don't know what the
2 other exhibit is. That's the 999 letter. It will
3 actually have the taxes broken down and the insurance
4 broken down by year.
5 Q. They break them down by year. But, again, we
6 don't have any documentation reflecting what those
7 payments were for, do we?
8 A. Other than it will state county tax, and it
9 will state hazard insurance.
10 Q. And that's reflected in documentation by
11 J.P. Morgan Chase not -- not by any --
12 A. Correct.
13 THE COURT: Not by any?
14 MR. ACKLEY: By any other entity. I didn't
15 complete my question.
16 THE WITNESS: I'm sorry.
17 MR. ACKLEY: That's all right.
18 THE COURT: And what was your answer?
19 THE WITNESS: Correct.
20 MR. ACKLEY: Your Honor, I would like to
21 reiterate objections to documents. I think it
22 would be better to do them all at once in the
23 interest of saving time. I'm saving up all my
24 objections for one.
25 THE COURT: Have you finished your questions?



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1 for. And it would also be on the corporate advance
2 screen in Mortgage Servicing Package.
3 Q. But we don't have a copy of that here today,
4 do we?
5 A. No.
6 Q. Is that true for all the corporate advances
7 reflected in the payment history?
8 A. Uh-huh.
9 Q. And that's true for the all of the escrow
10 advances as well?
11 A. Yes.
12 Q. And it's also true for, well, the property
13 preservation advances?
14 A. Yes.
15 Q. Well, those are part of the corporate
16 advances, aren't they?
17 A. Not necessarily.
18 Q. Okay. If I'm reading this correctly though
19 there is an escrow balance reflected on this document
20 \$50,639.58; is that correct?
21 A. Correct.
22 Q. We don't have any indication of what that --
23 We don't have any of the documentation that supports
24 those escrow advances, do we?
25 A. Other than the payment history, no.



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1 MR. ACKLEY: Not yet. Just with regard to
2 this.
3 THE COURT: Let's hold on.
4 Okay.
5 BY MR. ACKLEY:
6 Q. I'm showing you what's been marked or entered
7 into evidence as Exhibit Number 9. And you had
8 testified that's a called a FC699; is that correct?
9 A. FC999.
10 Q. I'm sorry?
11 A. We actually have a couple of different names
12 for it. But we can stick with that one.
13 Q. I'm trying to grasp who enters the data that's
14 reflected on that document. Actually, strike that.
15 Hold your answer at this point. Let me rephrase the
16 question.
17 How many different documents are actually
18 there?
19 THE COURT: I'm sorry. Actually where?
20 BY MS. STEVENS:
21 Q. In Exhibit Number 9. It's a composite
22 exhibit. How many different documents make up that
23 composite exhibit?
24 A. It's actually kind of a difficult question to
25 answer. Let me clarify what I'm talking about. The



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1 FC999 letter is a two-page document. You can see it
2 says page two, page one at the top. The FC998 is a
3 separate document. And then the spreadsheet on the back
4 is a second document.

5 But once they are combined like this, we use
6 PDFCreator to actually create one single document that
7 contains all this, and then that is actually stored.

8 Q. Is that what you have in front of you?

9 A. Yes.

10 Q. So basically it's three documents that
11 J.P. Morgan Chase has put together?

12 A. And created a single document out of.

13 Q. By copying them basically into PDFs?

14 A. Yeah. Well, you print the PDFs in the
15 PDFCreator to combine all.

16 Q. Let me see it for a second.

17 I have to admit I'm a little bit personally
18 confused by what we're seeing here.

19 THE COURT: Counsel, please question only.

20 MR. ACKLEY: I'm sorry.

21 BY MR. ACKLEY:

22 Q. If I'm looking at the top page of Exhibit
23 Number 9, you pointed out correctly it reflects page
24 two?

25 A. Correct.



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1 the online letter writer the FC999, this one, is you
2 have to hit print, hit page down and hint print.

3 The FC99 (sic) is not listed as page two,
4 because it's technical a one-page document. It's a
5 two-page document, but it doesn't list page two.

6 To print the FC998 you have to go back to the
7 list of letters, open that one and click print.

8 Q. How many pages total are reflected on an FC998
9 and an FC999?

10 A. In Mortgage Servicing Package, three. These
11 three.

12 Q. All right. And what's the fourth page on
13 Exhibit number 9?

14 A. The fourth page is a break down of the taxes
15 and insurance where somebody has to go through manually
16 and break down the taxes and insurance out of the
17 payment history.

18 Q. And so this is data that is manually entered
19 by somebody?

20 A. Yes.

21 Q. Do you know who did it in this case?

22 A. I'm 95 percent sure. I'm not a hundred so I
23 don't want to say.

24 Q. All right.

25 A. It has the SID number of the employee who did



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1 Q. But if you look at the bottom of the page, it
2 says page one of one. Can you reconcile that for us,
3 please?

4 A. I honestly don't know why it says page one of
5 one. When you go to the online letter writer section,
6 it's the PLO5 screen in Mortgage Servicing Package and
7 you tell it to print the FC999, it prints both pages.

8 Q. But it didn't in this case?

9 A. You have to hit page down so it shows the
10 second page.

11 Q. But it didn't print both pages in this case,
12 did it?

13 A. What it looks like -- You have to print on
14 each page. It's in the same thing. But if you hit
15 print, it will only print the page you are on. So you
16 have to hit print, hit page down, hit print again.

17 You understand what I'm saying? Because it's
18 almost like an MS-DOS looking type system.

19 Q. May I see that again, please?

20 A. So each time they print it, they only printed
21 one page of a two-page document.

22 Q. Can you explain why the top page and the
23 second page reflect different letters? One is FC999,
24 and one is FC998.

25 A. The FC999 is, like I said, when you go into



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1 it.

2 Q. But do you know who printed out the first
3 three pages of Exhibit Number 9?

4 A. It's the same employee number, but I don't --
5 I'm a little bit wary of saying who it is without being
6 a hundred percent sure.

7 Q. Do you have any idea why it's named an amount
8 due affidavit?

9 A. No.

10 Q. It's not sworn to, is it?

11 A. No.

12 Q. So going to the fourth page of Exhibit Number
13 9, if I understand correctly, somebody -- Is that an
14 Excel sheet, or is that --

15 A. It's an Excel sheet, yes.

16 Q. So somebody just created an Excel sheet and
17 they produced that report?

18 A. No. We have a template. Actually, a lot of
19 times I run these on my own trials. I just didn't
20 happen to do this one.

21 You actually have to go in, pull the payment
22 history down in Excel format and manually go through
23 transaction by transaction for the escrow, hazard
24 insurance, mortgage insurance and credits and plug it
25 into here to get a break down by year. Because certain



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counties require a break down by year.

Q. And there's no documentation supporting the information that's written there here today, is there, none of the invoices and receipts?

A. Not the invoices or receipts, no. Just the payment history.

Q. And that document was created strictly for litigation, for purposes in trial today, right?

A. Not necessarily. This could be requested any time anybody needs a break down of amounts currently due and owing. I can tell you on this loan I've seen that this had been ran at least two previous times before.

Q. This particular page was created for this litigation, right?

THE COURT: Counsel, I'm going to ask you to move on, because that question was just asked and answered. And we are kind of running short on time to be asking the same question again.

MR. ACKLEY: I'm sorry, Your Honor.

THE COURT: Would you mind collecting the document and giving them back to the clerk?

MR. ACKLEY: No, that's fine.

BY MR. ACKLEY:

Q. Looking at Exhibit Number 7, how many people enter the data that's reflected in that document?



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A. Yes. Or wait. I'm sorry. That's not the last time it was updated.

It was the last time it was viewed. And then they didn't print it until the next day for some reason.

Q. And how do you know that?

A. Because it has the date.

Q. No. I apologize. I don't mean how do you know that's when it was printed.

I mean how do you know that's the last date it was viewed?

A. Let me clarify that. As I said, when you go through and hit print in Mortgage Servicing Package that will generate when you have it there. Now when you physical print it is when you'll get this date. So this is the first date when they let's say save the image. This is the time they actually printed the image. Most of the time they are not that far apart.

Q. There's nothing to reflect when this data was entered though specifically?

A. No.

Q. I'd like to show you Exhibit Number 3 again. Now you've testified that the payment of history on Exhibit Number 4 -- And I'll get that for you. I'm sorry; I should have gotten this one.

There was a November 2007 --



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A. It's entered by our investor relations department. But I don't know if -- It should have been entered by only one person right at the time we acquired the loan.

Q. But you don't know if that was done at the time you acquired it, do you?

A. I was not there when they entered this information, no.

Q. You don't know who entered the data?

A. No.

Q. And you never worked in investor relations?

A. Correct.

Q. So you don't know if this was recorded at the time it was received or not?

A. No, I was not there when they did that.

Q. All right. May I see that, please?

In fact, as you look at Exhibit Number 7, can you tell me when it was printed out?

A. 3/19/2014.

Q. And the report itself, the document itself, doesn't it reflect it was created on March 18, 2014?

A. No. No, that's not what that date means.

Q. What does that date mean?

A. That's the last time it was updated.

Q. And it's investor relations that updates it?



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THE COURT: And for the record, you handed Number 4 to the witness?

MR. ACKLEY: Thank you, Your Honor. Yes.

BY MR. ACKLEY:

Q. You testified that Exhibit Number 4 reflects that in November of 2007 there was a payment made?

A. Correct.

Q. And the amount of that payment?

A. I'll find it here in a second. 1800 and some odd dollars. \$1813.12.

Q. So the letter -- And further you said there was a payment received for \$1813.12 on January 4, 2008; isn't that correct?

A. Correct.

Q. Is there any payment for December of that year of 2007?

A. No.

Q. But what does the letter say?

A. Your loan was in default because you have not paid the payment that became due 11/1/2007.

Q. That doesn't seem to be accurate does it?

A. Well, just because you make a payment in a month doesn't mean that's -- that's when it was due for.

If you're previously behind, it will be applied for the furthest back you are due for.



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1 You can go back and they were late all the way
2 back through 2006 they were making -- They were late
3 multiple times.

4 Q. Were they late on November 1st of 2007?

5 A. Yes.

6 Q. And how do you tell that?

7 A. Well, for starters, the payment was due 11/1,
8 and the payment was made on 11/27.

9 Okay. Technically they've been late on
10 payments except for four payments since all the way back
11 through 2005. But they did catch up a couple times in
12 there also.

13 Q. All right. That's all I have. Thanks.

14 MR. ACKLEY: Your Honor, may have a minute to
15 confer with my clients?

16 THE COURT: You may.

17 BY MR. ACKLEY:

18 Q. Could you tell us how --

19 On November 1st or by November 27th of 2007
20 the Exhibit Number 4 reflects that they made a payment,
21 correct?

22 THE COURT: I'm sorry. Exhibit Number 4?

23 BY MR. ACKLEY:

24 Q. Number 4 reflects that they made a payment on
25 November 27, 2007; that's correct, right?



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1 would reflect how much the borrowers -- the bank or the
2 Plaintiff purports the borrowers are owed as of
3 January 2, 2008?

4 MS. STEVENS: Your Honor, I will renew my
5 previous objection as to both relevancy and due to
6 the fact that this is not an affirmative defense
7 that was raised by the borrowers.

8 THE COURT: You want to respond?

9 THE WITNESS: Yes, Your Honor. The
10 document -- My concern is that I believe that
11 Exhibit Number 3 and Exhibit Number 4 reflect
12 different amounts due and owing, even the documents
13 produced by the Plaintiff itself.

14 I'd like to be able to confirm whether or
15 not -- which of the two is accurate. Or if they
16 both are inaccurate, I can't tell you.

17 THE COURT: You've had a lot of time to
18 explore. I'm going to ask you to move on.

19 I sustain the objection to this last question.

20 MR. ACKLEY: All right. Your Honor, at this
21 point I would like to renew my objection with
22 regard to the documents or the exhibits that have
23 been entered into evidence to this point.

24 THE COURT: What I would like to do is finish
25 the testimony of this witness. Do you have any



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1 A. Correct.

2 Q. Would they have been current at that point, or
3 were they behind at that point?

4 A. Behind.

5 Q. By how much?

6 A. This doesn't show an actual due date. So we'd
7 have to go through and calculate all the way through.
8 Normally the payment history shows the due date right
9 here that it's applied to. For some reason this one
10 doesn't have it on almost anything.

11 Q. Why is that?

12 A. I'm not sure. Normally it's on every line.

13 When I review it directly on MSP, it's on
14 there. That's why I was able to look at that payment
15 and made sure they were behind when I was preparing for
16 this trial.

17 Q. Can you calculate how far they were behind if
18 we give you the time to do that?

19 A. I'd have to go through the payment history
20 transaction by transaction, but I should be able to.

21 MR. ACKLEY: Your Honor, I know this is asking
22 for a little bit of time --

23 THE COURT: No. Move on.

24 BY MR. ACKLEY:

25 Q. Do you have any documentation here today that



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1 other witnesses to present in your case in chief?

2 MS. STEVENS: No, Your Honor.

3 THE COURT: Okay. So after this witness and
4 after you review your list of exhibits, you're
5 going to rest?

6 MS. STEVENS: Yes, Your Honor.

7 THE COURT: So that might be an appropriate
8 time for you to make motions.

9 MR. ACKLEY: Very good. I believe that's the
10 end of my cross, Your Honor.

11 THE COURT: Okay. Anything in redirect from
12 the Plaintiff?

13 MS. STEVENS: I have no redirect, Your Honor.

14 THE COURT: Okay. You can go ahead and step
15 down. And you are excused.

16 (Witness excused.)

17 THE WITNESS: Thank you.

18 MS. STEVENS: Plaintiff rests at this time,
19 Your Honor.

20 THE COURT: Okay. Any motions from the
21 Defense?

22 MR. ACKLEY: Yes, Your Honor.

23 THE COURT: You may proceed.

24 MR. ACKLEY: I'm sorry. Did the Plaintiff
25 rest?



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