

IN THE CIRCUIT COURT, FOURTH JUDICIAL CIRCUIT,
IN AND FOR DUVAL COUNTY, FLORIDA

COPY

CASE NO.: 16-2007-CA-008611-XXXX-MA
DIVISION: G

DEUTSCHE BANK NATIONAL TRUST
COMPANY, F/K/A BANKERS TRUST
COMPANY OF CALIFORNIA, N.A.,
Plaintiff,

vs.

JOSEPH DIXON, a/k/a JOSEPH H.
DIXON, et al.,

Defendants.

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO: 502007CA004820XXXXMB
DIVISION: AW

DLJ MORTGAGE CAPITAL, INC.,
Plaintiff,

Vs

FRANCISCO O. RIVERA, et al.,
Defendants.

CASE NO: 502008CA008427XXXXMB
DIVISION: AW

U.S. BANK NATIONAL
ASSOCIATION, AS TRUSTEE,
Plaintiff,

Vs

COLBY COLE, et. al,
Defendant.

CASE NO: 502008CA017357XXXXMB

DIVISION: AW

THE BANK OF NEW YORK,
AS TRUSTEE FOR BS ALT A 2005-7,
Plaintiff,

Vs

MELANIE FAYE WESTBROOK, et, al.
Defendant.

CASE NO: 502008CA004228XXXXMB

DIVISION: AW

DEUTSCHE BANK TRUST COMPANY
AMERICAS AS TRUSTEE,
Plaintiff,

Vs

MARK MOYNIHAN, TERRI TISCH, et. al.
Defendants.

900 South Pine Island Road
Suite 400

Plantation, Florida

June 3, 2009

2:40 p.m. - 4:10 p.m.

Deposition of CHERYL SAMONS

Taken before Amy Lyon, Shorthand Reporter and
Notary Public in and for the State of Florida at Large,
pursuant to Notice of Taking Deposition filed in the
above cause.

- - - - -

1 APPEARANCES :
23 ON BEHALF OF THE PLAINTIFFS:
45 LAW OFFICES OF DAVID J. STERN, P.A.
6 900 South Pine Island Road
7 Suite 400
8 Plantation, Florida 333249 BY: DONNA GLICK, Esq.
10 LAPIN & LEICHTLING
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12 Suite 800
13 Coral Gables, Florida 3313414 BY: ADAM LEICHTLING, Esq.
15 FLORIDA DEFAULT LAW GROUP
16 9119 Corporate Lake Drive
17 Suite 300
18 Tampa, Florida 3363419 BY: JAMES SPANOLIOS, Esq. - Via Telephone
20
2122 ON BEHALF OF THE DEFENDANTS:
2324 JACKSONVILLE AREA LEGAL AID, INC..
25 126 West Adams Street
Jacksonville, Florida 32202
BY: LYNN DRYSDALE, Esq.GOLANT & SHARMIN, P.A.
830 N. Federal Highway
Lake Worth, Florida 33460
BY: JEFFREY GOLANT, Esq.

ALSO PRESENT:

JEFFREY TEW, Esq. - On behalf of the deposed.

RON MORRIN - Videographer
- - - - -

I N D E X

Witness: CHERYL SAMONS PAGE

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E X H I B I T S

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1 THE VIDEOGRAPHER: We're on the record. The
2 date is June 3, 2009. The time is 2:40 p.m.
3 We're taking the deposition of Cheryl Samons, in
4 the matter of Deutch Bank National Trust Company,
5 formerly known as Banker's Trust Company of
6 California, North America versus Joseph Dixon,
7 a/k/a Joseph H. Dixon, et al.

8 My name is Ron Morrin, representing Justice
9 Video. The court reporter is Amy Lyon, with Boss
10 Certified Realtime Reporting. At this time would
11 the attorneys please state their names for the
12 record.

13 MS. DRYSDALE: Lynn Drysdale, on behalf of
14 Joseph Dixon.

15 MR. TEW: Jeffrey Tew, on behalf of the
16 witness.

17 MS. GLICK: Donna Glick, on behalf of the
18 Plaintiff.

19 MR. GOLANT: Jeffrey Golant on behalf of
20 defendants Colby Cole, Francisco Rivera, Melanie
21 Westbrook, and Mark Moynihan.

22 MR. LIECHTLING: My name is Adam Leichtling,
23 and I'm here representing US Bank National
24 Association as Trustee, which is the plaintiff in
25 a case in which I guess the -- the -- a transcript

1 is being taken; and deposition is being taken, but
2 no video at this point is being taken. The
3 defendant in that case is Colby Cole.

4 And if I could just -- I don't know whether
5 now is a good moment, but I can go ahead and state
6 some agreements that I've reached with my opposing
7 counsel, Mr. Golant, in this -- in -- as to my
8 case, which is that my objection to the use of the
9 deposition by video tape is preserved, because it
10 was not noticed for video tape here in the Cole
11 case.

12 And as to lines of questions that are
13 specific to any of the other cases for which this
14 deposition is being taken, I, in agreement with
15 Mr. Golant, am preserving my objections to the
16 admissibility of those lines of questions. And if
17 you'd just agree or disagree with that.

18 MR. GOLANT: That's correct.

19 MR. LEICHTLING: Okay. Thank you.

20 MR. TEW: And we have one attorney appearing
21 by phone I believe.

22 MR. SPANOLIOS: Yes. My name is James
23 Spanolios, and I'm Representing DLJ Mortgage
24 Capital, Inc., in the case of DLJ Mortgage
25 Capital, Inc., versus Francisco Rivera. And I

1 would also reserve objections to the use of the
2 video of this deposition, and reserve objections
3 to any line of questioning outside of this
4 particular case.

5 THE VIDEOGRAPHER: At this point could we
6 please swear in the witness.

7 Thereupon:

8 CHERYL SAMONS

9 was called as a witness by the Defendant, and after
10 being first duly sworn, was examined and testified
11 under oath as follows:

12 THE WITNESS: Yes, I do.

13 DIRECT EXAMINATION

14 BY MS. DRYSDALE:

15 Q. Miss Samons, my name is Lynn Drysdale, and I
16 represent Joseph Dixon in a case filed by Deutsche
17 Bank National Trust Company.

18 Have you ever had your deposition taken before?

19 A. Yes, ma'am.

20 Q. How many times?

21 A. Two or three --

22 Q. And --

23 A. -- I don't recall.

24 Q. Was that recently?

25 A. Uh, one was recent, yes.

1 Q. What was that, when was that deposition
2 taken?

3 A. Approximately a week ago.

4 Q. And was that with respect to your employment
5 with Mr. Stern's office?

6 A. Yes.

7 Q. Who took that deposition?

8 A. Ice (phonetic) Legal.

9 Q. What was the previous deposition?

10 A. Um, it was a matter unrelated to --
11 foreclosures.

12 Q. What type of case was it?

13 A. It was a case about five years ago, that had
14 to do with um, David's office, but it wasn't related
15 to foreclosure matters.

16 Q. Okay. We'll get back to that later. It
17 sounds like you've had your deposition taken a couple
18 of times, so you're probably pretty familiar with the
19 process?

20 A. Basically.

21 Q. I just want to make sure that you know, that
22 if you have -- if I don't state a question so that you
23 understand it, if you ask me to repeat it I'll be glad
24 to do so, or rephrase it, I'll be glad to do so. If
25 you need to take a break, please let us know.

1 A. Okay.

2 Q. We want to make sure that you're comfortable.

3 The court reporter is taking down everything that
4 you say, so it's important that we -- only one of us
5 speak at a time, and she can't take down inaudible
6 answers. So it's important that you say -- answer yes
7 or no, as opposed to nodding or saying uh-huh or
8 huh-uh.

9 A. Okay.

10 Q. Do you have any questions of me?

11 A. No.

12 Q. Okay. Could you please state your name for
13 the record and your present address?

14 A. Cheryl Samons.

15 Q. Address?

16 A. Now, you mean my home address?

17 Q. It's -- please.

18 MS. GLICK: We --

19 MR. TEW: Go ahead.

20 MS. GLICK: -- object to home address.

21 The -- we went through this in the previous
22 deposition. The Court had sustained the objection
23 to any personal information on the W-2, so we are
24 objecting to any personal information here.

25 MS. DRYSDALE: And as I stated previously,

1 that objection was not raised before the Court,
2 and I think we're -- we're running into dangerous
3 territory if we start reading the language of that
4 specific court order too broadly. So as I
5 understand our previous agreement, perhaps we can
6 reach an agreement in this case, that if -- that,
7 that information can be provided later.

8 MS. GLICK: That's correct.

9 MR. TEW: If the court rules it should be
10 provided, then we can provide it in writing, the
11 address.

12 BY MS. DRYSDALE:

13 Q. Okay. Could you please provide your business
14 address?

15 A. Eight -- I almost said 801 South University.
16 Sorry, that was our old address. 900 South Pine
17 Island Road, Suite 400, Plantation, Florida.

18 Q. And is that the Law Offices of David J.
19 Stern?

20 A. Yes, ma'am.

21 Q. You mentioned a previous address, how long
22 have you worked for Mr. Stern?

23 A. Approximately 17 years.

24 Q. And could you please describe your
25 educational background, beginning with high school?

1 A. I graduated from high school. I have a four
2 year Bachelor's degree from Ball State University in
3 Indiana, in Legal Administration and Criminal Justice.

4 Q. When did you receive -- is that a Bachelor of
5 Arts?

6 A. Bachelor of Science.

7 Q. Bachelor of Science, when did you receive
8 that?

9 A. I graduated from college in 1989.

10 Q. What did you do after you grad- --
11 immediately after graduating from college?

12 A. Um, I held a few temporary positions until I
13 was hired by Mr. Stern.

14 Q. What type of temporary positions?

15 A. Data entry.

16 Q. With law firms?

17 A. Um, no.

18 Q. What type of data entry?

19 A. I did some keying for a food company. I did
20 some telemarketing when I moved to Charlotte. I did
21 just basic jobs until I could get a full-time job in
22 the legal field.

23 Q. And your first full-time job in the legal
24 profession was with Mr. Stern?

25 A. Yes, ma'am.

1 Q. And what -- what year was that?

2 A. I believe I started working for him in 1990.

3 Q. What's your present position with Mr. Stern's
4 office?

5 A. I'm the Operations Manager here.

6 Q. What are your day-to-day duties and
7 responsibilities as an Operations Manager?

8 A. I interview and hire employees. I do
9 employee evaluations. I deal with any of the
10 day-to-day problems that come up through the office,
11 such as broken microwaves and things of that nature.

12 That's pretty broad. A little bit of everything.

13 Q. Who is your immediate supervisor?

14 A. Miriam Mendieta.

15 Q. Could you please spell that for the court
16 reporter?

17 A. M-E-N-D-I-E-T-A is her last name. First name
18 Miriam, M-I-R-I-A-M.

19 Q. And what is her job title.

20 A. She's one of the supervising attorneys here
21 in the firm.

22 Q. Which department do you work in?

23 A. Mainly I work in foreclosure, but as the
24 Operations Manager I oversee a lot of the departments.

25 Q. You oversee individuals that work in

1 different departments?

2 A. The managers report to me for things such as
3 the employee evaluations, tardiness, people needing
4 written up that have to go through H.R. Again, broken
5 toilets, they come to me.

6 Q. How many people do you supervise?

7 A. Directly?

8 Q. Directly.

9 A. Um, there are approximately fifty people that
10 report to me directly, and then others that report to
11 me indirectly through other managers.

12 Q. So it sounds like what you've described are
13 mainly administrative tasks?

14 A. I do a lot of administrative tasks, yes.

15 Q. Do you do other types of work?

16 A. I do review foreclosure reports. I do some
17 foreclosure, I know how to do the foreclosures. I
18 used to do foreclosures.

19 Q. So before you -- what was your position
20 before you became an Operations Manager?

21 A. I held the position as a foreclosure
22 paralegal until -- at my previous employer with David,
23 until David opened this law firm, and I've been the
24 manager of this law firm since.

25 Q. So Mr. Stern was with Shapiro and Fishman

1 earlier?

2 A. Yes, ma'am.

3 Q. So the positions you're talking about now
4 were with -- initially with Shapiro and Fishman?

5 A. Yes, ma'am.

6 Q. So when you said that you worked with
7 Mr. Stern for 17 years, part of that was with Shapiro
8 and Fishman?

9 A. Yes, ma'am.

10 Q. Do you -- what types of things do you do with
11 respect to the foreclosure cases?

12 A. I review foreclosure reports, respond to
13 client's status requests, prepare chronologies.

14 Q. What type of data is kept in the foreclosure
15 report?

16 A. The current status of the foreclosure.

17 Q. Would that also be a chronology of when the
18 file came into the office, and what has happened since
19 that time?

20 A. That would be a chronology. The foreclosure
21 reports only give current status.

22 Q. Okay. But you also have hands-on -- you work
23 with the chronologies as well?

24 A. Yes.

25 Q. Do you -- are you presently employed by

1 any -- any other companies?

2 A. No.

3 Q. Do you presently receive any compensation
4 from any other companies?

5 A. No.

6 Q. On a day-to-day basis, do you have hands-on
7 contact with foreclosure files?

8 A. Yes.

9 Q. And in your position, that you also execute
10 assignments of mortgage; is that correct?

11 A. Yes.

12 Q. Do you also execute affidavits that would be
13 used in support of summary judgments?

14 A. Currently?

15 Q. Currently.

16 A. No.

17 Q. But you have in the past?

18 A. Yes.

19 Q. Why do you not currently do so?

20 A. We no longer -- I no longer execute, we send
21 them to the clients.

22 Q. Is it true that other people in the office
23 execute the affidavits --

24 A. No.

25 Q. -- for summary judgment?

1 A. No.

2 Q. Miss Cerni doesn't presently execute
3 affidavits in support of summary judgment?

4 A. Not presently, no.

5 Q. When did that practice stop?

6 A. I don't recall the exact date, it was several
7 months ago.

8 Q. Do you know why the practice stopped?

9 A. It was a business decision.

10 Q. So that would have been a decision made by
11 Mr. Stern?

12 A. Yes.

13 Q. Do you know if it was client generated, or if
14 it was just a decision from -- within the office.

15 MS. GLICK: Objection. You're getting into
16 work -- you're getting into client relations, and
17 client contracting. I'm going to object.

18 MR. LEICHTLING: Same objection.

19 MR. TEW: Same.

20 BY MS. DRYSDALE:

21 Q. With respect to your current job position,
22 are you considered an officer or director for
23 Mr. Stern's office?

24 A. Um, an officer or director of this office?

25 Q. Yes, ma'am.

1 A. Um, no.

2 Q. What about any other companies?

3 A. Currently, no.

4 Q. So you're currently -- have you been in the
5 past, an officer or director of another company?

6 A. Um, do you mean with respect to signing
7 authority or -- I don't -- I'm not sure that I
8 understand the question.

9 Q. Why don't you tell me -- you have had signing
10 authority for other companies; is that correct?

11 A. I did have signing authority for MERS, yes.

12 Q. And then that also included you're being an
13 officer for that -- for --

14 A. I believe I was designated as Assistant
15 Secretary or Vice President, yes.

16 Q. What did that designation mean?

17 A. That I could sign assignments.

18 Q. So being an Assistant Secretary for someone
19 means that you have the authority to execute
20 assignments?

21 A. That was my understanding, yes.

22 Q. Was there a particular document that gave you
23 that understanding, or is that something that you
24 learned from --

25 A. The corporate resolution.

1 Q. It's probably easier for the court reporter
2 if you'll allow me to finish the question before
3 you -- before you answer it.

4 A. Okay.

5 Q. Showing you a copy of a Summons, a Notice of
6 Lis Pendens, and a complaint, and I've only got two
7 extra copies, asking if you recognize that document?

8 A. Do I recognize this particular summons, or
9 just the pleading as a whole?

10 Q. That particular summons.

11 A. No.

12 Q. You do not? Okay. I'm showing you a copy
13 of an assignment of mortgage, do you recognize that --
14 that document?

15 A. I don't recognize this particular document.

16 Q. Do you recognize your signature on this
17 document?

18 A. Yes, I do.

19 Q. So you executed this assignment of mortgage?

20 A. Yes, I did.

21 Q. Okay. Why don't you tell me a little bit --
22 this was executed -- do you know when this was
23 executed?

24 A. It appears it was executed in August of '07.

25 MS. DRYSDALE: I'll mark this as

1 Defendants's 1.

2 (Defendant's Exhibit No. 1 was marked for
3 identification.)

4 BY MS. DRYSDALE:

5 Q. You say it appears, you don't have any
6 independent recollection of when it was executed?

7 A. No, ma'am.

8 Q. Could you describe the process, do you still
9 execute assignments of mortgage?

10 A. No, ma'am.

11 Q. When did you stop executing assignments of
12 mortgage?

13 A. Approximately May 15th.

14 Q. Of two thousand and --

15 A. Nine.

16 Q. Nine. And why did you stop on that date?

17 A. Because we no longer have signing authority
18 from MERS.

19 Q. Do you know why you no longer have signing
20 authority for MERS? And when I say MERS, I'm speaking
21 of Mortgage Electronic Registration Systems, Inc.,
22 just to make sure that we're both clear on that.

23 A. Yes, I do.

24 Q. So we're clear on that. And do you know
25 why you don't have -- can you tell me why?

1 A. Because MERS asked us to take on some
2 additional responsibilities that our office was not
3 staffed to handle. So they revoked our signing
4 authority.

5 Q. What type of duties specifically?

6 A. Accepting service of process for them,
7 electronically.

8 Q. What do you mean by that?

9 A. Meaning, when MERS was a Defendant in an
10 action, they asked us to have them served
11 electronically rather than via paper, and have our
12 staff monitor that. And we did not have the staff to
13 take on that responsibility, so they decided to revoke
14 our signing authority.

15 Q. Do you know what type of lawsuits they
16 were -- they were -- wanted you to be -- accept
17 service on -- on behalf of them for?

18 MR. TEW: Well, let me -- well, go ahead.

19 THE WITNESS: Foreclosure cases.

20 BY MS. DRYSDALE:

21 Q. Where MERS was the defendant?

22 A. Yes, ma'am.

23 Q. Have there ever been situations where
24 Mr. Stern's office represented both MERS as a
25 plaintiff and MERS as a defendant in the same case?

1 A. I do not know.

2 Q. Why would MERS be listed as the defendant in
3 a foreclosure lawsuit?

4 A. Because they hold a judgment or a mortgage.

5 Q. And so the -- the -- that was the only reason
6 why the authority was revoked?

7 A. Yes, ma'am.

8 Q. You -- so you executed assignments of
9 mortgage up to May 15, 2009?

10 A. Yes, ma'am.

11 Q. When you were executing assignments, let's
12 say back in 2007, when exhibit one was executed,
13 approximately how many assignments would you execute
14 in a day?

15 A. I don't have a guesstimate of that number.

16 Q. How many -- how much of your day was -- was
17 spent executing mortgage assignments?

18 A. Probably an hour or two.

19 Q. When you signed an assignment of mortgage,
20 did you prepare it?

21 A. No, ma'am.

22 Q. Who prepared the particular one in front you,
23 do you know?

24 A. I do not know who prepared this particular
25 assignment, no.

1 Q. In 2007, what would have been the process of
2 preparing the mortgage assignment and getting it to
3 you?

4 A. It would have been prepared by a processor
5 handling the file, the file would have then been
6 placed in one of the designated areas for me to sign
7 it.

8 Q. When you say one -- when you say -- what's
9 the process- -- is that of job position, a job title
10 of processor?

11 A. No. Well, there are paralegals that handle
12 the files. Part of that responsibility is drafting
13 the assignment as they work the file.

14 The process has changed several times since 2007.
15 So I don't recall who specifically, from what
16 department prepared this assignment.

17 Q. Do you remember what the process was in 2007,
18 when this assignment was executed?

19 A. Specifically, off the top of my head, no.

20 Q. Okay. Fast forward --

21 MR. SPANOLIOS: Excuse me. I need to
22 interject here. This is attorney James Spanolios,
23 I have to participate in a telephonic hearing at
24 3:00, and so I'm going to have to end my
25 participation at this time.

1 This was noticed as a 1:30 starting time for
2 the deposition, and it did not begin as it was
3 noted, until 2:40. I will try to call back in
4 after the telephonic hearing.

5 MS. GLICK: Okay. That's fine.

6 MR. SPANOLIOS: Thank you.

7 MS. GLICK: I'm sure we'll still be going on.

8 (Mr. Spanolios ended his participation via
9 telephone.)

10 BY MS. DRYSDALE:

11 Q. So as I understand it, you don't recall
12 what -- the process by which you signed the August
13 2007 assignment?

14 A. No, ma'am.

15 Q. But you know you didn't prepare it?

16 A. Yes, ma'am.

17 Q. You think it was prepared by a processor; is
18 that correct?

19 A. It was prepared by a processor, yes.

20 Q. What information did the processor have in
21 front of him or her when preparing the assignment?

22 A. They would've had the foreclosure file in
23 front of them.

24 Q. And where would they have gotten the
25 information contained in the foreclosure file?

1 A. From the information inside the foreclosure
2 file, the referral from the client, and the title
3 information.

4 Q. Do you -- do you -- did you ever -- before
5 executing an assignment, did you ever look at any --
6 any of the underlying documents?

7 A. Do I look at the underlying documents, you
8 mean the foreclosure referral?

9 Q. Any -- anything. What do you look at prior
10 to executing an assignment of mortgage?

11 A. Well, I make sure that the names match, that
12 I'm executing an assignment for that particular file,
13 and I make sure that I have signing authority for that
14 particular client.

15 Q. When you say the names match, what do you
16 mean?

17 A. The borrower's name.

18 Q. The borrower is the same on the mortgage and
19 the mortgage note -- or I'm sorry. The borrower's
20 name is the same on the mortgage as it is on the
21 assignment?

22 A. Yes, ma'am.

23 Q. And then you look to see if you have signing
24 authority for which -- which company?

25 A. For the entity that sent us the referral.

1 Q. In the two thousand -- in Exhibit 1, which --
2 which entity would that be?

3 A. GMAC Mortgage.

4 Q. In the Exhibit 1, it indicates that Mortgage
5 Electronic Registration System residing or located at
6 care of GMAC Mortgage, LLC.

7 Do you know what that phrase means reside -- MERS
8 residing or located at care of GMAC?

9 A. Means that GMAC is servicing the loan.

10 Q. Do you know if GMAC owned the loan?

11 A. No.

12 Q. So that information wouldn't be contained in
13 the file?

14 A. No.

15 Q. And if you'll take another look at the
16 complaint, do you recognize the mortgage document
17 attached to the complaint?

18 A. I recognize it as being a mortgage.

19 Q. Okay. Let me go ahead and mark the -- that
20 -- that Summons, Lis Pendens, and complaint as
21 composite -- Defendant's Composite 2.

22 (Defendant's Exhibit No. 2 was marked for
23 identification.)

24 BY MS. DRYSDALE:

25 Q. So you don't recognize that mortgage, the

1 individual mortgage, the -- by name?

2 A. No, ma'am.

3 Q. If you'll take a look at the document though,
4 it seems to be the mortgage that's referenced in the
5 assignment; is that correct?

6 A. Yes.

7 Q. And who's listed as the lender on the
8 mortgage?

9 A. Cimarron Mortgage Company DBA The Mortgage
10 Warehouse.

11 Q. And is that company's name listed anywhere on
12 the assignment of mortgage you executed?

13 A. No, it is not.

14 Q. Is there a reason why it is not?

15 A. I don't know.

16 Q. Is there another assignment somewhere else
17 from Cimarron to MERS, or Cimarron to any other
18 company?

19 A. I don't know that information. It would not
20 be on the assignment, it would be in the file.

21 Q. Would you -- would you have looked in the
22 file to see if Cimarron Mortgage Corp -- Mortgage
23 Company was anywhere listed in the file prior to
24 executing the assignment?

25 A. No.

1 Q. Did you speak with anyone at MERS prior to
2 executing the assignment of mortgage?

3 A. No.

4 Q. Did you ever do so?

5 A. No.

6 Q. How did you determine the date that was
7 contained on the assignment?

8 A. Which date?

9 Q. The date that's listed -- actually this
10 assignment doesn't contain a date -- don't your -- the
11 assignments you execute generally contain a date?

12 A. Some do.

13 Q. But they don't also contain a date?

14 A. No.

15 Q. Do you not think that's a necessary -- that's
16 necessary information to be contained in an
17 assignment?

18 MS. GLICK: Objection. Form.

19 MR. TEW: Object to the form of the question.

20 Calls for legal conclusion.

21 BY MS. DRYSDALE:

22 Q. Do you know?

23 A. The assignment --

24 MR. LEICHTLING: Objection.

25 THE WITNESS: I'm sorry?

1 BY MS. DRYSDALE:

2 Q. When -- when was this assignment effective?

3 A. August 24, '07.

4 Q. What does that mean?

5 A. That was the date it was executed.

6 Q. Okay. So the transfer of this mortgage took
7 place on August 24th, 2007?

8 MR. LEICHTLING: Which document are you
9 looking at?

10 THE WITNESS: The assignment.

11 MS. DRYSDALE: The assignment.

12 THE WITNESS: The one that I have here.

13 MR. LEICHTLING: Okay.

14 MS. GLICK: Oh, I see.

15 MR. LEICHTLING: Okay.

16 BY MS. DRYSDALE:

17 Q. And that's not unusual for there not to --
18 not to be a date of the transfer listed in the
19 assignment?

20 A. No.

21 Q. Who determined what date to put on the
22 assignment?

23 A. Well, this is the date that it was signed,
24 there wasn't a determination.

25 Q. I'm sorry?

1 A. There wasn't a determination. This was the
2 date it was signed.

3 Q. So this -- there -- what is the effective
4 date for this assignment of mortgage?

5 MR. LEICHTLING: Object to the form.

6 THE WITNESS: I would assume the effective
7 date is August 24th, 2007, that's the date it was
8 signed but I don't know.

9 BY MS. DRYSDALE:

10 Q. Who would know?

11 A. I don't know that answer.

12 Q. Are you familiar with Cimarron Mortgage?

13 A. No, ma'am.

14 Q. Do you have signing -- did you have back in
15 2007, signing authority for them?

16 A. No, ma'am.

17 Q. Have you ever executed an assignment of
18 mortgage where it -- the date that it was executed was
19 followed by the phrase, "effective a date prior to the
20 date it was executed?"

21 A. Yes.

22 Q. And what does -- what does that mean, when
23 you execute a document, and it's effective prior to
24 the date it was executed?

25 A. That the document is effective prior to the

1 date that it's actually being signed.

2 Q. Well, what does that mean? When was it
3 effective?

4 A. The date that it's effective as of, whatever
5 date is on that form.

6 Q. And how do you know what that date is?

7 Is that something contained in the foreclosure
8 file, what would -- what would you be looking for in
9 the foreclosure file to determine the date to put?

10 A. It was the date that the file was referred to
11 our office by the clients.

12 Q. Okay. So the date that it's effective, is
13 the date that the file is referred?

14 A. Yes, ma'am.

15 Q. Do you keep a list of all the mortgage
16 assignments that you execute?

17 A. No, ma'am.

18 Q. Do you have a certain set of policies and
19 procedures that you received from Mr. Stern, relating
20 to your duties or requirements for executing
21 assignments?

22 A. No, ma'am.

23 Q. What about did you receive anything like that
24 from MERS?

25 A. No, ma'am.

1 Q. If you'll look at this document, it indicates
2 that it was notarized by Elizabeth Pagan. Do you
3 recognize that name?

4 A. Yes, I do.

5 Q. Was she present when you executed this
6 document?

7 A. Yes, she was.

8 Q. You hesitated, are you certain?

9 A. Well, I don't remember 2007, but she would
10 not have notarized it if I wasn't there.

11 Q. Did you have a -- does Mr. Stern's office
12 have a policy about that?

13 A. Yes.

14 Q. What position did she hold in 2007, do you
15 know?

16 A. I don't recall.

17 Q. Is she still -- does she still work for
18 Mr. Stern?

19 A. Yes, she does.

20 Q. What about Miss Vargas?

21 A. She is still here as well.

22 Q. And was she present when you executed the
23 assignment?

24 A. Yes.

25 Q. Did you -- do you receive a separate -- do

1 you receive compensation for executing these
2 assignments of mortgage?

3 A. No, I do not.

4 Q. Did you participate in any other way in the
5 preparation of pleadings, or any other activities
6 relating to the filing of the mortgage foreclosure
7 complaint or the litigation of the case?

8 A. No, ma'am.

9 Q. Was most of the litigation handled by a
10 different department?

11 A. Can you clarify what you mean by litigation.

12 Q. Yes, ma'am. I under -- I understand that
13 they're are two different departments, a foreclosure
14 department and a litigation department.

15 How do you determine where a file ends up, which
16 department has the file?

17 A. I don't make that determination.

18 Q. Is there a policy in -- in Mr. Stern's office
19 about where -- which department the file ends up in?

20 A. Well, there are certain pleadings that would
21 require that you forward the file specifically to the
22 litigation department, but they also handle other
23 cases.

24 Q. You -- you indicated earlier that you're a
25 supervisor for quite a few of the paralegals; is that

1 correct?

2 A. Yes.

3 Q. Is there any sort of set guideline for how
4 quickly the mortgage foreclosure lawsuit must be
5 processed?

6 A. As quickly as possible.

7 Q. That's a good answer. Are there any specific
8 guidelines, policies, procedures?

9 A. We have varying policies and procedures based
10 on what the clients ask of us.

11 Q. In this case it was Deutsche Bank, what --
12 what were their requirements?

13 A. I don't have any specific requirements for
14 Deutsche Bank.

15 Q. What -- what companies did you have specific
16 requirements from?

17 A. Off the top of my head I don't recall.

18 Q. So it was -- was -- you said that you also
19 evaluated employees. Was their evaluation at all --
20 at all dependant on how quickly they were able to
21 process files through the foreclosure process?

22 A. No.

23 Q. What was -- what were their -- their -- what
24 were the -- the criteria for um, um, supervising them
25 or --

1 A. If they completed their work properly, if
2 their attorneys said good things about their work, if
3 they're here timely, if they're here every day. I'm
4 not sure I --

5 Q. Okay. You were evaluating them, those were
6 the criteria for evaluating them?

7 A. Yes, ma'am.

8 Q. Okay. Were there any limitations for you
9 personally in the turnaround time, in executing
10 assignments?

11 A. No.

12 Q. How was it determined when -- how quickly
13 they needed to be signed?

14 A. They were signed every day. When they were
15 prepared, they were put in a designated place, and I
16 would sign them every day, and get them back to the
17 paralegals.

18 Q. How do you determine which person in the
19 office would execute the assignments?

20 A. Would execute the assignments?

21 Q. Uh-huh.

22 A. It would just depend on which one of us had
23 time --

24 Q. Would you --

25 A. -- to make sure that they got done daily.

1 Q. Would you sometimes sign assignments more
2 than once in a day?

3 A. Yes, ma'am.

4 Q. Um, this particular assignment relates to a
5 mortgage, when you executed the assignment did you
6 know the location of the original mortgage?

7 A. No, ma'am.

8 Q. Did you know the location of the original
9 note?

10 A. No, ma'am.

11 Q. And you stated previously that you held a
12 position with MERS, you said you were Assistant
13 Secretary; is that correct?

14 A. That's what the corporate resolution said,
15 yes.

16 Q. Were you also um, an -- a Vice President or
17 Assistant Vice President?

18 A. I believe it stated Vice President as well,
19 yes.

20 Q. What's the difference - with respect to your
21 position with MERS - what's the difference in your
22 being an Assistant Secretary and a Vice President?

23 A. I have no idea.

24 Q. How did you know which hat you were wearing
25 when you were executing a document?

1 A. Because at the bottom it has my title as
2 Assistant Secretary or Vice President.

3 Q. So there -- you didn't have specific -- you
4 didn't have any -- any manual or, or document that
5 would explain to you what your duties were as an
6 Assistant Secretary, or what your duties were as a
7 Vice President?

8 A. No, ma'am.

9 Q. Do you know where MERS is located?

10 A. I believe they are in Virginia.

11 Q. Have you ever been there?

12 A. No.

13 Q. Have you ever spoken with anyone from MERS?

14 A. Yes.

15 Q. Who did you speak with?

16 A. I can't remember her name.

17 Q. Just one time?

18 A. No, multiple times.

19 Q. Multiple times. What uh -- what were you
20 talking about?

21 A. Service of process.

22 Q. So it was just -- it was recently?

23 A. Uh-huh.

24 Q. Back in 2007 or 2008, when you were
25 executing -- executing assignments of mortgage, did

1 you ever speak to anyone from MERS then?

2 A. No.

3 Q. Did you report to anyone at MERS?

4 A. No.

5 Q. Um, have you ever been employed by MERS?

6 A. No.

7 Q. Did MERS give you any sort of training, or
8 did they have any guidelines that they provided you,
9 relating to the execution of assignments of mortgage?

10 A. No.

11 Q. Do you ever attend any corporate meetings?

12 A. No.

13 Q. Do you know if MERS ever owned - and we're
14 referring back to Mr. Dixon's assignment - do you know
15 if MERS ever had an ownership interest in that
16 mortgage or --

17 A. No.

18 Q. Do you know if they ever had an ownership
19 interest, or had possession of the note?

20 A. No.

21 Q. When you say no, do you mean that you don't
22 know, or that they did not?

23 A. I mean I don't know.

24 Q. Do you know if they service the loan?

25 A. No.

1 Q. You don't know if they service the loan?

2 A. Meaning -- I assume that you mean do they
3 service the day-to-day activities of the loan, and
4 that answer would be no. It would be serviced by
5 GMAC.

6 Q. Okay. So in this instance GMAC was the
7 servicer?

8 A. Yes, ma'am.

9 Q. Do you know if they also owned or held the
10 note or mortgage?

11 A. Who, GMAC?

12 Q. GMAC.

13 A. No.

14 Q. No, you don't know or --

15 A. I don't know.

16 Q. Do you know if MERS keeps records relating to
17 the assignments that you execute?

18 A. I do not know.

19 Q. Whose responsibility is it to make sure that
20 the assignments are properly dated?

21 A. Properly dated in the notary block?

22 Q. Properly dated -- well, on this one it would
23 be as to the notary block.

24 A. And that would be the notary --

25 Q. Okay.

1 A. -- filling in the date.

2 Q. Um, in other assignments that you executed
3 there was a date above your signature; is that
4 correct?

5 A. Yes.

6 Q. Who would -- who would be responsible for
7 making sure that date was correct?

8 A. The processor that prepared it.

9 Q. I'm showing you a document entitled Second
10 Amended Notice of Taking Deposition, do you recognize
11 that document?

12 A. No.

13 Q. You've not seen -- you've not ever seen that
14 document?

15 A. No.

16 Q. Did you do anything to prepare for your
17 deposition today?

18 A. No.

19 Q. Did -- did you put together any documents?

20 A. My W-2. I requested that from H.R., because
21 I was told I needed it.

22 Q. Anything else?

23 A. No.

24 Q. Okay. I have copies of your 2007 and 2008
25 W-2's that have been redacted. I'll show you that.

1 Two thousand and eight, two thousand and seven,
2 do you recognize these documents?

3 A. Yes.

4 MS. DRYSDALE: Mark that as Plaintiff's (sic)

5 3.

6 (Defendant's Exhibit No. 3 was marked for
7 identification.)

8 BY MS. DRYSDALE:

9 Q. During those years, did you receive
10 compensation from any other -- anybody else, any other
11 businesses or persons?

12 A. No.

13 Q. Do you know if any -- strike that.

14 Do you conduct any of the initial research
15 relating to the foreclosure cases or did you in 2007?

16 A. No, ma'am.

17 Q. I'm showing you a stack of documents --
18 actually, if we could go off the record for a second.

19 (A discussion was had off the record.)

20 THE VIDEOGRAPHER: Back on record, 3:19.

21 BY MS. DRYSDALE:

22 Q. Showing you a stack of documents, Agreement
23 for Signing Authority, do you recognize those
24 documents?

25 A. Yes.

1 Q. Can you describe what those documents are?

2 A. These are the Agreements for Signing
3 Authority.

4 Q. What does that mean, Agreement for Signing
5 Authority?

6 A. Gives us authority to sign on behalf of these
7 particular servicers, these particular clients.

8 MS. DRYSDALE: Okay. And before we go
9 further, I'm going to note that, that's -- I want
10 to mark that as Composite Exhibit 7, and there are
11 no Exhibits 4, 5, and 6.

12 (Defendant's Exhibit No. 7 was marked for
13 identification.)

14 BY MS. DRYSDALE:

15 Q. So what you said, that gives you signing
16 authority, authority to sign what?

17 A. The assignments.

18 Q. Have you read each of those documents?

19 A. I have skimmed these documents.

20 Q. When was the last time you skimmed them?

21 A. Whenever they were given to me for recording,
22 and whatever year I got them.

23 Q. Did you --

24 A. This was in 2007; this was 2008.

25 Q. So do you know the particular paragraphs in

1 those documents, that give you the authority to
2 execute assignments?

3 A. Off the top of my head, no.

4 Q. Did -- have you ever looked at those
5 documents to determine where that language is?

6 A. No.

7 Q. Who told you that, that -- those documents
8 gave you the authority to execute assignments?

9 A. The law firm.

10 Q. Did anyone give you a manual relating to the
11 information contained -- how to execute the
12 assignments pursuant to these documents?

13 A. No.

14 Q. You just know they existed?

15 A. I have copies.

16 Q. Okay. And that's -- that -- these documents
17 are the -- the sole basis for your ability to execute
18 assignments?

19 A. Yes, ma'am.

20 Q. Do you know anything about how they were
21 negotiated?

22 A. No, ma'am.

23 Q. But you do know that they are no longer in
24 effect as of May 15, 2009?

25 A. Yes, ma'am.

1 Q. Let's see. I'm slowing you a stack of
2 documents. This we'll mark as Defendant's 8. The
3 first one is entitled Limited Power of Attorney.

4 (Defendant's Exhibit No. 8 was marked for
5 identification.)

6 MS. GLICK: May I suggest that we pick up
7 eight, and move seven to the side.

8 BY MS. DRYSDALE:

9 Q. Okay. Do you recognize the first document in
10 that stack?

11 A. Yes.

12 Q. Is that a document that you've read?

13 A. Uh again, briefly; yes.

14 Q. So your answers would be the same relating to
15 the other documents?

16 A. Yes, ma'am.

17 Q. What's it entitled?

18 A. Limited Power of Attorney.

19 Q. What does that document give you the
20 authority to do?

21 A. Sign certain documents on behalf of
22 servicers.

23 Q. What -- what certain documents?

24 A. Do you want me to read them or just --

25 Q. Well, tell me what -- what -- if you've not

1 read that document before, I just want -- I want to
2 know your understanding of what that instrument gives
3 you the right to do.

4 A. Each of these is different as far as I
5 recall.

6 Q. Uh-huh.

7 A. And it gives us signing authority for certain
8 documents. Some have a signing authority to execute
9 deeds, some have signing authority for affidavits,
10 some are different.

11 They were not drafted by me, so off the top of my
12 head, I don't recall each specific Limited Power of
13 Attorney, and what specific documents it gives us our
14 authority for.

15 Q. But since you've not looked at them, you rely
16 on --

17 A. Recently.

18 Q. Oh, okay. I'm sorry. I thought you said you
19 hadn't read them, that you had just skimmed them.

20 A. I've -- I have copies, I've read them when I
21 got them, when they were sent for recording.

22 Q. And when was that?

23 A. I --

24 Q. Different documents, different days?

25 A. Yes, ma'am.

1 Q. Okay.

2 A. Some are '07, some are '08.

3 Q. Well, I haven't had a chance to look through
4 each of those documents. So I want to reserve the
5 right to ask questions about those documents at a
6 later date, unless we all want to sit here for me to
7 go through those for a couple of hours. Um, is that
8 all right?

9 MR. TEW: Let's do the first option, not the
10 second.

11 MS. DRYSDALE: Okay.

12 MR. LEICHTLING: Well, frankly, I don't even
13 know what documents they are, and I don't think
14 they -- you're talking about my case, you're
15 talking about your case; right?

16 MS. DRYSDALE: They're limited powers of
17 attorneys for different companies.

18 MR. LEICHTLING: Okay.

19 MS. GLICK: I don't believe they were
20 requested to be produced ahead of time either.

21 MS. DRYSDALE: They weren't, you're right.
22 I'm just requesting the ability -- the right to do
23 that.

24 MR. LEICHTLING: And I -- and I -- and I --
25 what I was trying to clarify is, I don't think

1 you're asking for my assent, because I'm not on a
2 case that you're on --

3 MS. DRYSDALE: No, but --

4 MS. LEICHTLING: -- if I understood that
5 correctly.

6 MS. DRYSDALE: No. But you're on that end of
7 the -- the same end of the table --

8 MR. LEICHTLING: Understood.

9 MS. DRYSDALE: -- of somebody that is.

10 MR. LEICHTLING: But if you'll, and tell me
11 if I'm misunderstanding, that --

12 MS. DRYSDALE: Uh-huh.

13 MR. LEICHTLING: -- your request was related
14 to the case that you represent?

15 MS. DRYSDALE: Correct.

16 MR. LEICHTLING: Okay. Or that you're
17 working on, whichever. I think we're both clear.

18 MS. DRYSDALE: Okay.

19 BY MS. DRYSDALE:

20 Q. Do those documents give you the author- --
21 oh, I'm sorry. Were we -- were we still --

22 THE VIDEOGRAPHER: We're still on there.

23 BY MS. DRYSDALE:

24 Q. Did those documents give you the authority to
25 execute affidavits of -- of summary judgment?

1 A. That is my understanding, yes.

2 Q. And so you in the past have executed
3 affidavits of summary judgments; is that correct?

4 A. Yes.

5 Q. What documents did you routinely look at
6 prior to executing the affidavits of summary judgment?

7 A. Figures, judgment figures.

8 Q. When you say figures, what -- do you mean
9 payment histories or?

10 A. Yes, ma'am.

11 Q. And in each instance you looked at a payment
12 history?

13 A. In each instance I had the figures that I
14 needed to execute the affidavits. Some were in the
15 form of payment histories, some were in the forms of
16 CPI screens, some were in the form of -- of data
17 screens that I have access to. They're all different.

18 But I would have figures and a client referral
19 with the unpaid principle balance, and all the
20 payments due, and all the information necessary to
21 execute an affidavit.

22 Q. And sometimes the figures would come to you
23 in an e-mail, with just the figure you needed to plug
24 into the assignment; is that correct?

25 A. I don't believe that I executed from e-mail.

1 I -- off the top of my head, I don't recall that.

2 Q. Uh-huh. But sometimes the information would
3 come to you as just the number you needed to plug into
4 the affidavit?

5 A. That may have been the case, yes.

6 Q. And do you know who -- who originally
7 inputted that information into your client's database?

8 A. The client.

9 Q. So you don't know anything about how the
10 information was stored, how it was recorded?

11 A. No, ma'am.

12 Q. Do you know why the assignments were executed
13 inhouse prior to May 19th -- May 15th?

14 A. Why?

15 Q. Uh-huh. Was it to help expedite the
16 foreclosure process as a service to your clients?

17 MR. LEICHTLING: Object to form.

18 THE WITNESS: I don't think it expedited the
19 foreclosure process at all --

20 BY MS. DRYSDALE:

21 Q. Uh-huh.

22 A. -- it simply alleviated some responsibility
23 from our client.

24 Q. So you were doing that on behalf of your
25 client --

1 A. Yes.

2 Q. -- because it was necessary for the lawsuit?

3 A. Necessary, I don't know.

4 Q. Do you recall whether or not you -- they --
5 you ever executed an assignment of mortgage after the
6 lawsuit was filed?

7 A. When I execute the assignment, I did not look
8 inside the file to see the process, where it was at in
9 the foreclosure. So I don't know the answer to that
10 question.

11 MS. DRYSDALE: Okay. Um, can we go off
12 record for a minute?

13 THE VIDEOGRAPHER: Going off record, 3:27
14 p.m.

15 (A discussion was had off the record.)

16 THE VIDEOGRAPHER: Back on record, 3:30.

17 MS. DRYSDALE: I'm going to be turning the
18 questioning of the witness over to Jeff Golant,
19 who is representing -- who has also noticed Miss
20 Samons for deposition at this time, and we will be
21 taking a break.

22 MS. GLICK: I have no questions for Miss
23 Samons as it relates to the questions that you
24 have asked thus far.

25 MS. DRYSDALE: And I understand that we have

1 an agreement, that any questions asked that are
2 not particular to Mr. Golant's case, the responses
3 can also be used in Mr. Dixon's case.

4 MS. GLICK: That is correct. Mr. Golant also
5 has four separate cases, so any general questions
6 with this stipulation to my understanding is, any
7 general questions maybe used in any of the cases.
8 But any questions specific to a particular
9 document, related to a specific case, cannot be
10 used, or is subject to an objection to being used
11 in a case, other than that case designated for
12 that document.

13 MS. DRYSDALE: Agreed.

14 MR. LEICHTLING: Correct. Right, and the
15 lines of questioning that are specific to those
16 particular individuals also, the specific
17 defendants in those particular cases. Okay.

18 MS. DRYSDALE: Okay.

19 THE VIDEOGRAPHER: Going off record,
20 3:32 p.m.

21 (A discussion was had off the record.)

22 THE VIDEOGRAPHER: Back on record, 3:33 p.m.
23 This will conclude the video portion of this depo
24 at this time. Going off record at 3:33 p.m.

25