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SUPERIOR COURT OF THE STATE OF RHODE ISLAND  
COUNTY OF NEWPORT

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WILLIAM FREEMAN III,  
Plaintiff,  
v. CIVIL ACTION NO.  
NC-2012-0214  
JPMORGAN CHASE BANK, N.A.,  
Defendant.

-----x

August 18, 2016  
9:31 a.m.

Deposition of PETER KATSIKAS, taken by  
plaintiff, pursuant to notice, at the  
offices of Morgan Lewis & Bockius, 101 Park  
Avenue, New York, NY 10178, before Jonah  
Sears, a Shorthand Reporter and Notary  
Public of the State of New York.

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APPEARANCES:

THE WRIGHT LAW FIRM, LLC

Attorneys for plaintiff

324 Elm Street, Suite 103B

Monroe, CT 06468

BY: STEPHEN P. WRIGHT

MORGAN LEWIS & BOCKIUS

Attorneys for defendant

101 Park Avenue

New York, NY 10178

BY: BRIAN A. HERMAN

## STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED,  
by and between counsel for the respective  
parties hereto, that all objections, except  
as to form, are reserved to the time of  
trial.

IT IS FURTHER STIPULATED AND AGREED  
that the deposition may be signed and sworn  
to before any officer authorized to  
administer an oath.

IT IS FURTHER STIPULATED AND AGREED  
that the sealing and filing of the  
deposition be waived.

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PETER KATSIKAS,

called as a witness, having been duly  
sworn, testified as follows:

EXAMINATION

BY MR. WRIGHT:

Q. State your name for the record,  
please.

A. Peter Katsikas.

Q. State your address for the  
record, please.

A. 7301 Baymeadows Way,  
Jacksonville, Florida 32256.

Q. Good morning.

A. Good morning.

Q. My name is Steve Wright. We just  
met, right?

A. Yeah.

Q. And would you pronounce your last  
name again for me, please.

A. Katsikas.

Q. Mr. Katsikas, you are here to  
testify on behalf of Chase pursuant to a  
designation; do you understand that?

A. Correct.

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Q. Okay. Have you seen the Notice of Deposition?

A. Yes.

Q. Okay. And have you looked at the categories for which we've asked the witness to testify?

A. Yes.

Q. And you're competent to testify to that?

A. Yes. There's objections to it, but --

Q. Okay. Subject to the objections?

MR. HERMAN: Subject to the letters that we've sent you objecting to certain categories.

MR. WRIGHT: Right.

Q. And when did you understand that you would be a witness in this case?

A. Well, I was originally scheduled for July, which you guys canceled at the last minute.

Q. Right.

A. Maybe in the last month, two months.

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Q. Okay. Did you understand you were a replacement for Mr. McCormick?

MR. HERMAN: Objection.

Mischaracterizes the Notice of Deposition. He's not a replacement, he's a corporate representative.

Q. Are you prepared to testify to the matters and the facts set forth in Mr. McCormick's deposition, which was offered by JPMorgan Chase in support of the Motion for Summary Judgment?

MR. HERMAN: Objection. His deposition was not offered, his affidavit was offered.

Q. You can answer the question.

A. Just to the topics on there, but there's -- subject to the objections.

Q. Did you review it?

A. Which?

Q. Mr. McCormick's affidavit.

A. Yes.

Q. Do you know Mr. McCormick?

A. No.

Q. Have you ever met him?

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A. No.

Q. Have you ever spoken to him?

A. No.

Q. Do you know for whom he was employed at the time he executed the affidavit?

A. No.

Q. Have you been told by anybody for whom he was employed at the time he executed the affidavit?

A. I'm sorry, I didn't hear you.

Q. Have you been told by anyone who he was employed by at the time he executed the affidavit?

MR. HERMAN: And let me just caution the witness that to the extent you and I had a conversation or you had conversation with in-house counsel, you should not disclose that. So you can take that question to mean, other than with your discussions with counsel, has anybody told you --

MR. WRIGHT: No, that's not what I meant. It calls for a yes or no.

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Q. I'm not asking you who you had it with, I'm asking you if you had a conversation with anyone. You can answer that.

MR. HERMAN: I'm going to caution you not to reveal any discussions you've had with counsel.

MR. WRIGHT: I'm just looking for a yes or no. You're coaching the witness.

MR. HERMAN: I'm not coaching the witness. If his yes or no is based on information he received from counsel --

MR. WRIGHT: Can you read back the question, please.

(Question read)

THE WITNESS: I believe that may be protected under attorney-client privilege.

Q. It's a yes or no.

Have you been told, yes or no, for whom Mr. McCormick was employed at the time he signed the affidavit? I'm not asking you who or what was said, just



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whether or not you were told.

A. Again, I believe that falls under the attorney-client privilege.

Q. The yes or no?

MR. HERMAN: Can I consult with him outside for a moment?

MR. WRIGHT: Sure.

(Recess)

MR. HERMAN: All right. So without waiving privilege, you can answer the question yes or no whether you know or whether you remember being told for whom he was employed.

THE WITNESS: I don't remember.

EXAMINATION CONTINUED

BY MR. WRIGHT:

Q. You don't remember? Your previous answer was that your answer would invade your attorney-client privilege, and "I don't remember," is the answer that would invade your attorney-client privilege?

MR. HERMAN: Counsel, he's not a lawyer. I made an objection based on

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attorney-client privilege. We can move on.

Q. You don't recall if you had a conversation regarding Mr. McCormick's employer at the time he executed the affidavit in support of summary judgment?

A. Again, I don't remember and without -- you know, attorney-client privilege.

Q. Okay. And is that something you -- an answer that you formed when you left the room?

MR. HERMAN: Objection.

A. No, I don't remember.

Q. And what was your concern about waiving your privilege if you don't remember the answer?

MR. HERMAN: It's not his privilege to waive, it's the company's privilege to waive.

Q. What was your concern about waiving the attorney-client privilege?

MR. HERMAN: Don't answer that.

Move on, Counsel.

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MR. WRIGHT: Excuse me, sir, but I'm conducting this deposition, and I will ask the witness the questions that I'm going to ask him.

MR. HERMAN: I'm not going to allow you to invade attorney-client privilege. I'm not going to force the witness here to testify about his understanding of the attorney-client privilege. I made an objection based on privilege. He was responding to that objection.

MR. WRIGHT: Yeah, but I've got a serious problem with that. He answers, "I'm going to waive my privilege if I answer that," and then the two of you leave the room, and he doesn't remember. That's hokum.

Q. In the course of your employment have you ever taken a course or received any instructions on how to testify as a witness?

A. No.

Q. Never.

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Have you testified on behalf of Chase in connection with foreclosure matters in the past?

A. Yes.

Q. Do you know about how many times?

A. Foreclosure trials?

Q. In any capacity.

A. I would be speculating.

Q. Excuse me?

A. I don't remember. I would be speculating if I did.

Q. More than ten?

A. Yes.

Q. More than 20?

A. Yes.

Q. Okay. And when you testify, you testify -- what is your job responsibility?

MR. HERMAN: Objection. Can you rephrase that?

Q. What is your job title in those matters that you've testified?

A. My current position is mortgage banking research officer.

Q. Okay. Now, what does a mortgage

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banking research officer do?

A. It's to review Chase's books and records in preparation for testimony, and I also attend mediations.

Q. And did you happen to do that in this case: Review the books and records relating to Mr. Freeman's loans?

A. Yes, the two loans.

Q. And can you tell me what you looked at?

A. Some of the things I looked at, but not limited to, is the original notes, mortgage; there was an assignment; there was some loss mitigation correspondence; payment history; rate -- the Notice of Deposition; and then other information. There was a volume of documents I looked at.

Q. Is that pretty much the standard procedure you conduct when you prepare for a deposition in a Chase foreclosure matter, for lack of a better term?

MR. HERMAN: Objection to form.

A. Can you rephrase it?

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Q. Did you do anything differently in preparation for this case than you normally do when you testified on those multiple occasions on behalf of Chase?

A. No.

Q. Did you used to work for Washington Mutual?

A. Washington Mutual Bank F.A., yeah.

Q. Okay. And for how long did you work for them?

A. I was there from April 2002 until the end of business day of September 25, 2008.

Q. Okay. Are you familiar with an entity known by the name of Washington Mutual Bank F.A.?

A. Washington Mutual F.A., yeah.

Q. Is that for whom you worked?

A. Yeah.

Q. And that was until --

A. End of business day September 25, 2008.

Q. And that was the day the FDIC

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took over the bank as receiver?

A. Washington Mutual into receivership for the FDIC.

Q. And did all of the Washington Mutual subsidiaries go into receivership?

MR. HERMAN: Objection.

Q. If you know.

MR. HERMAN: It's outside the scope of the 30(b)(6).

A. I don't know.

Q. You don't know.

Have you ever heard of Washington Mutual Securities?

A. Yes.

Q. And what do you know about that?

A. Washington Mutual Mortgage Securities Corporation?

Q. Yes.

A. It was basically a broker deal through the bank when it goes into a trust.

Q. Explain that to me.

MR. HERMAN: I'm just going to object that this is outside the scope of the 30(b)(6). You can answer

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another question on it, but I'm not going to go too far into this.

A. Just it was a broker deal. You know, if the loan was originated and it goes through Washington Mutual Mortgage Securities Corporation, and then it goes into, say, sale to a trust, if the loan is going to be sold to a trust.

Q. Okay. And let me backtrack a little here.

Your educational background, what was the highest educational degree you obtained?

A. I had a high school diploma, and then I attended community college.

Q. And where did you do that?

A. Where?

Q. Yeah.

A. Tarpon Springs, Florida and Gainesville, Florida.

Q. And the names of the schools are?

A. St. Petersburg Junior College in Tarpon Springs, and then it was Santa Fe Community College in Gainesville.



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Q. Did you receive an associate degree?

A. No, I was short a few classes.

Q. Okay. Did you continue any formal education after that?

A. No.

Q. And did you begin working after you left college?

A. Yes.

Q. Okay. And what was your first job after you left college?

A. At that point I started in the -- I was like a mortgage broker.

Q. For whom?

A. All Pro Lending, Inc.

Q. And that was located where?

A. Palm Harbor, Florida.

Q. And then you left that job about when?

A. It's been a while. Let me think. Maybe '98.

Q. Okay. Would it be easier to go the other way?

A. What's that?

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Q. Would it be easier to go backwards?

A. No, that's fine.

Q. Okay. So after you left that around 1998, when you left that job, where did you go next?

A. There's a little bit of a gap in employment, then I went over to Ameriquest Mortgage Company.

Q. And your position with them?

A. I was an account executive.

Q. And what's an account executive?

A. Basically, it was the retail side, originating mortgages for Ameriquest Mortgage Company.

Q. And that was located where?

A. Jacksonville, Florida.

Q. And when did you leave your employment with Ameriquest?

A. Around 2000.

Q. Okay. And for what reason did you leave?

A. I had a better opportunity.

Q. And where was that better

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opportunity?

A. It was called Equicredit, which was a subsidiary of Bank of America.

Q. And what did Equicredit do as a subsidiary of Bank of America?

A. They were basically B&C paper of Bank of America at the time.

Q. Excuse me, I didn't catch that term.

A. B&C paper.

Q. And that is what?

A. Basically subprime loans.

Q. And were those loans warehoused by Ameriquest?

MR. HERMAN: Objection. This is going well beyond his basic background. What difference does it make if Ameriquest was warehousing loans?

MR. WRIGHT: I don't know until he answers it. Is it bothering you that he answers that simple question?

MR. HERMAN: It just seems pretty far afield. We're not getting into Ameriquest's business.

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MR. WRIGHT: Have him answer that  
and then we'll move on.

A. You're asking about Ameriquest or  
Equicredit?

Q. Equicredit, I'm sorry.

A. What did they do with their  
loans?

Q. Yeah. Did they warehouse them,  
did they send them to Bank of America, did  
they --

A. I don't remember. It's been a  
long time.

Q. That wasn't part of your job  
function?

A. At that -- no. At that time, no.

Q. And when you left Ameriquest,  
where did you go?

A. To Equicredit.

Q. I'm sorry.

And then how long did you stay at  
Equicredit?

A. I got my layoff notice on  
September 11, 2001, and then there was a  
gap in employment for a few months, and

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then I went over to Oakmont Mortgage Company.

Q. Where's that located?

A. The office that I reported to was out of Norcross, Georgia, but I worked out of the house in Jacksonville.

Q. Okay. And what did you do for them?

A. I was a wholesale account executive.

Q. And what is a wholesale account executive?

A. Basically, I solicit business through brokers for loans, residential mortgages.

Q. So the company you worked for would finance the loans or fund the loans; is that correct?

A. They would fund the loans, correct.

Q. And they would have a group of brokers that they would work with to fund the loans?

A. My job responsibilities was to

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solicit brokers for business.

Q. All right. And then how long did you stay with that company?

A. Probably three months.

Q. And why did you leave?

A. A better opportunity.

Q. With whom?

A. Washington Mutual Bank F.A.

Q. And then in September of 2008 you left Washington Mutual Bank F.A.?

A. Well, it went into receivership through the FDIC.

Q. Okay. But your employment was discontinued at that point, with Washington Mutual F.A. that is?

A. At the end of business day of September 25, 2008, yeah.

Q. And when did you become an employee of JPMorgan Chase?

A. Well, the next day, my employment on September 26, 2008 was Chase Home Finance, LLC, which Chase Home Finance, LLC merged into JPMorgan Chase Bank, N.A. effective May 1, 2011. So when I -- the

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next day I came in at eight o'clock on  
September 26, 2008, my employer was Chase  
Home Finance, LLC.

Q. Okay. How did you know that?

A. Because I walked in with my same  
badge I had the day before and put my same  
username and password in, and a big blue  
screen says, "Welcome to Chase."

Q. Okay. And what was your position  
with Chase?

MR. HERMAN: When?

Q. When the big blue screen lit up.

A. The same as it was the day  
before.

Q. And that was?

A. It was a dual role. It was  
assistant sales manager and senior loan  
consultant.

Q. Okay. So let's talk about the  
first position.

What were your job  
responsibilities?

A. As assistant sales manager?

Q. Yeah.

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A. I worked in a call center in Jacksonville, Florida, and basically with assistant sales manager I would fill in for the sales manager if he wasn't available. I would take escalated calls if someone wanted to speak to a manager per se. I would, you know, provide coaching to the employees, you know, if they needed assistance on stuff like that.

Q. And the other position, what was your responsibility?

A. So the other position, which was senior loan consultant, and that involved originating first and second mortgages, and I was consumer direct for both purchases and refinances through Washington Mutual Bank F.A.

Q. Okay. What does that mean, "consumer direct"?

A. Well, there was three different -- basically, I was working on a few different things. Consumer direct worked directly with the consumers. I worked in the call center, originating loans. There



1  
2 was retail, where they have -- in the  
3 branches; they have correspondent lenders;  
4 they have wholesale, which deal with the  
5 brokers. I worked on the consumer direct  
6 side.

7 (Affidavit marked Exhibit 1 for  
8 identification)

9 Q. Can you take a look at Exhibit 1,  
10 and after you've looked at it, tell me if  
11 you've seen that before.

12 A. Yes.

13 Q. And do you recall when you first  
14 saw it?

15 A. In the last couple of months.

16 Q. And do you recall when you last  
17 saw it?

18 A. Yesterday.

19 Q. Do you see Mr. McCormick's  
20 signature on that affidavit on the last  
21 page?

22 A. There's a signature above his  
23 name.

24 Q. And do you see where it's  
25 notarized?

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A. Yes.

Q. Or where there purports to be a notary there?

MR. HERMAN: Objection.

A. There's a notary there.

Q. Okay. Well, let's take a look at it.

All right. Do you know what an authorized signer is for JPMorgan Chase?

MR. HERMAN: Are you referring to any particular part of the affidavit?

MR. WRIGHT: Paragraph 1.

A. What do you mean by -- other than --

Q. It says, "I'm an authorized signer for JPMorgan Chase and authorized to make this affidavit on its behalf."

What's an authorized signer; do you know?

A. Other than what it says, he's authorized to sign on behalf of JPMorgan Chase Bank, N.A.

Q. When you read this, did you see whether or not he had a title other than

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authorized signer for JPMorgan Chase?

A. His title?

Q. Yeah, job title.

MR. HERMAN: Are you asking did he --

Q. Did you read that anywhere in the affidavit?

A. (Pause)

It just says authorized signer.

Q. Have you seen that term before in connection with any affidavits signed by a representative of JPMorgan Chase?

A. Yes.

Q. Okay. So do you have an understanding of what that term means?

A. Other than he's -- that person is authorized to sign on behalf of JPMorgan Chase Bank, N.A.

Q. Would you know how somebody would get that authority, other than -- well, let's just leave it at that: Would you know?

A. As long as their job duties or functions involve, you know, signing

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documents.

Q. Okay. And how would we know that by reading Mr. McCormick's affidavit, whether or not his job duties or functions included signing on behalf of JPMorgan Chase?

MR. HERMAN: I'm going to object to the form. Can you rephrase that?

MR. WRIGHT: If he doesn't understand it, I will.

MR. HERMAN: I'm going to object to the form.

A. Repeat that question.

Q. Do you know what Mr. McCormick's position was, at the time he executed this affidavit with JPMorgan, that made him an authorized signer?

A. Say that again. I'm sorry, I didn't catch your question.

Q. Not everybody who works at Chase can sign an affidavit on behalf of Chase; is that correct?

A. Correct.

Q. Only certain people?

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A. Correct.

Q. And you've described for me that it depends on their responsibilities with the company?

A. Correct.

Q. Okay. Do you know what Mr. McCormick's responsibilities are with the company that makes him an authorized signer for Chase?

MR. HERMAN: Can you read back that question.

(Question read)

MR. HERMAN: I'm going to object to the form.

MR. WRIGHT: Okay.

A. What are -- I don't know what his responsibilities are.

Q. You don't?

A. No.

Q. Do you even know if Mr. McCormick ever worked for JPMorgan Chase?

A. I didn't research that.

Q. Okay. Were you told by anyone other than your attorney that he worked for

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JPMorgan Chase?

A. I'm just reading off the affidavit that was filed in court.

Q. But were you told by anyone other than your attorney that he worked for JPMorgan Chase at the time he executed this affidavit?

A. No.

Q. Were you told by anyone other than your attorney that he did not work for JPMorgan Chase at the time he signed this affidavit?

A. No.

Q. All right. He states in paragraph 2 that he's making this affidavit based on his "personal review of JPMorgan Chase Bank, N.A.'s business records, as more fully described below, and my knowledge of how those records are kept."

Did you review the records that were attached to his affidavit?

A. I mean, I reviewed documents, but I didn't -- I went through it, and I reviewed the records in preparation for the

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deposition today.

Q. The records referenced in Mr. McCormick's affidavit, you reviewed and read in preparation for this deposition?

MR. HERMAN: And when you say "records," you mean the exhibits referenced in the affidavit?

Q. The exhibits referenced in the affidavit.

A. I don't know if the exhibits were actually attached to this when I reviewed it, but whatever was shown, you know, that I have reviewed when I went through the affidavit -- the documents -- I just cross-referenced it for myself.

Q. So you're not in the position to say that you, like Mr. McCormick, have a knowledge on how all the records that were attached to his affidavit were kept?

MR. HERMAN: Objection. He didn't say that.

Q. You are not in a position to testify that you, like Mr. McCormick, have knowledge on how all the records that were

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attached to his affidavit were kept?

MR. HERMAN: Why don't we go through each of the records, and you can ask him if has knowledge how it was kept?

MR. WRIGHT: No, I'm not going to do that.

Q. Having testified that you did not review all the records, are you able to tell me which ones you reviewed and which ones you didn't review when we go through this affidavit?

MR. HERMAN: And again, by "records," you mean exhibits?

MR. WRIGHT: The exhibits attached to the affidavit.

A. I mean, if you want to go through the application, you know, if there's -- if you have a question on it, I can give you -- if I know, I'll tell you. If I don't know, I'll tell you I don't know.

Q. Okay. Well, in paragraph 4 it says, "As a mortgage servicer, JPMorgan Chase Bank, National Association" -- for



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now, if I refer to that as "Chase" or "JPMorgan," you'll know what we're talking about?

A. Yes.

Q. -- "inconclusive of its predecessors in interest including Chase Home Finance, LLC, which merged into JPMorgan Chase Bank" -- you know, you can read that as well as I can.

Why don't you take the chance to read it, and I'll ask you some questions about it.

A. Just that paragraph 4?

Q. Yes, sir.

A. Okay.

(Pause)

Q. Are you, like Mr. McCormick, familiar with the record keeping practices of Chase, which includes maintaining original loan documents as well as electronic copies of such loan documents?

A. Yes.

Q. Okay. Are you familiar with the maintaining of electronic copies of

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correspondence sent to the borrower?

A. Yes.

Q. And the maintaining of charges assessed and the receipt and application of payments to the borrowers' accounts?

A. Yes.

Q. And how are you familiar with that?

A. I worked on Chase's servicing system basically every day. I've been training and working on it for a number of years.

Q. And did you, in fact, have occasion to review the records of charges assessed and the receipt and application of payments to the borrower's account for both the Freeman loans?

A. Yes.

Q. And did you find that information to be accurate?

A. Yes.

Q. Okay. What documents are in the collateral file on Mr. Freeman's loans?

A. In Mr. Freeman's loans or in

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general?

Q. Say in general.

A. In general, there's -- on the collateral file, there's the original note, mortgage; if there was a loss note, there would be a loss note affidavit, if applicable; any assignments; loan modifications; if there was any allonges; pedal policies. Those are some of the things that's in the collateral file.

Q. What about the other documents that were signed at the closings; do you know where they're maintained?

MR. HERMAN: Can you be more specific?

A. Where, in general, where they're at? In Monroe, Louisiana.

Q. Where in Monroe? Is it a warehouse?

A. It's a warehouse.

Q. Is that what they refer to as the "i-Vault"?

A. I-Vault is a software system.

Q. And in Monroe, Louisiana is an

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actual warehouse where they maintain all those records?

A. Yes.

Q. And are they accessible?

MR. HERMAN: Can we be more specific: Is what accessible?

Q. Could you get them if you asked for them?

MR. HERMAN: What is "them"? I don't understand what the "them" is there.

Q. Could you get those other records, those other records signed at the closing, from Monroe, Louisiana if you were to request them?

A. Could I get -- I don't request them. That's something between you and Counsel.

Q. No.

If you were to request them, would they be available to you?

A. I don't request them.

Q. That's a yes or no.

A. I don't know how to answer that.

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I don't request it.

Q. So the answer is: You don't know whether or not they would be available to you if you asked for it?

A. I don't know.

Q. Okay. Have you seen a file consisting of those documents in relation to any other loan?

MR. HERMAN: I'm going to object.

I don't know what "those documents" means.

MR. WRIGHT: The other documents that are signed at closing, that are maintained in Monroe, Louisiana.

MR. HERMAN: The only document you've identified thus far is the HUD statement.

A. Whatever -- I'll view it from i-Vault, which is a software system. I would have to go through the system to figure if the HUD is on there or if it's in the credit file.

Q. Okay. So what's in the warehouse is also on the software system; is that

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what you're saying?

MR. HERMAN: I'm going to object.

A. I don't know. Some of it's on the software system. I don't know exactly -- I haven't seen the entire credit file, but I just review stuff through i-Vault and LPS.

Q. And when you say "credit file," what does that consist of?

A. In general, it's, like, the origination correspondence, generally.

Q. Okay. Does it include all other documents executed by the borrower at the closing other than the note and mortgage?

MR. HERMAN: I'm going to object.

The bank services millions of loans. If you're asking what does every single credit file include, that's way overbroad and beyond of the scope of the deposition.

MR. WRIGHT: I'm only interested in Mr. Freeman's loans.

MR. HERMAN: So can you rephrase the question?

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MR. WRIGHT: Yeah.

Q. Same question as to Freeman's loans.

A. What's -- I didn't see the entire folder with the documents in there.

Q. Okay.

A. I just seen the original note and mortgages, title policies, and there was a loan application agreement.

Q. Okay. Have you -- are you familiar with the purchase and assumption agreement between the Federal Deposit Insurance Corporation and JPMorgan Chase, N.A.?

A. Yeah, I've seen it in Chase's records.

Q. You have.

And did you review that in connection with this deposition?

A. Yes, I've seen that before.

Q. In that -- is it your testimony that this is the agreement through which JPMorgan Chase acquired the Freeman loans?

MR. HERMAN: Can we just be

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2 specific as to the purchase and  
3 assumption agreement? You just  
4 referred to it generally as a "purchase  
5 and assumption agreement." I'd like  
6 the record to be clear as to what it is  
7 you're talking about.

8 Q. Do we have an agreement that the  
9 purchase and assumption agreement between  
10 the Federal Deposit Insurance Corporation  
11 and JPMorgan Chase Bank dated September 25,  
12 2008, was the document by which Chase  
13 acquired the Freeman mortgages?

14 A. Yes, all the loans and loan  
15 commitments, including these two Freeman  
16 loans.

17 Q. Did they acquire servicing rights  
18 on the loans also?

19 A. They also did, yes.

20 Q. Okay. And is there a way to  
21 identify the loans that Chase acquired from  
22 the FDIC as receiver for Washington Mutual  
23 Bank F.A.?

24 A. Once I put the loan number in the  
25 system, it will pop up.



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Q. It will pop up and what will show?

A. Well, I'll put the information in. If I had the loan number, I can put it into Chase's system to verify it.

Q. Where did that information to create that data come from?

MR. HERMAN: When you say "that data," what specifically are you referring to?

MR. WRIGHT: The information that pops up when you put the loan number in.

A. What system do I check; is that what you're asking me?

Q. No.

It's your testimony that Chase acquired both of Mr. Freeman's notes in connection with the purchase and assumption agreement with the FDIC dated September 25, 2008; is that correct?

A. Yes.

Q. Okay. And you say you know that because if you punch in the loan number --

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and by the way, that loan number is the WaMu loan number or the Chase loan number?

A. Well, both on there. WaMu used MSP and so does Chase, so it was -- you know, like I said, the next -- when I came in September 25, 2008, I had access to all the loans, you know, if someone put a loan number in there, to pull up the information. The same with the next day. So on the next day on September 26, 2008, I was still able to pull up those same numbers I did the day before, which was Washington Mutual's to the FDIC into Chase's system.

Q. Okay. So the loan number didn't change?

A. I believe one of the loans -- loan numbers changed on Mr. Freeman's loans, and generally the reason why is because if there was a duplicate loan number that -- or like Heritage Chase had one, then they would change the loan number on it.

Q. When you say "Heritage Chase," I

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don't understand.

A. Well, the bank breaks it down in three separate heritages: Heritage Chase, Heritage GMC, Heritage Washington Mutual.

Q. And what does the "heritage" stand for?

A. Well, that's broken down by the companies that came over from -- you know, for instance on Washington Mutual, through the FDIC. Those are -- we called it Heritage Washington Mutual loans.

Q. And do you know whether or not at the time of the acquisition of the assets that are identified in the purchase and assumption agreement with the FDIC to Chase dated September 2008, did it include a list of the loans that Chase was acquiring?

A. I mean, I didn't see an actual list, but there's -- it's in the system. It's in the MSP servicing -- that's a system the bank uses to service the accounts.

Q. Is it your testimony that the Freeman loans were owned by Washington

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Mutual F.A. at the time the bank failed?

A. Yes.

Q. Is it your testimony that Washington Mutual Bank or some subsidiary of the bank was not servicing those loans at the time?

MR. HERMAN: Can you read that back, please.

(Question read)

MR. HERMAN: At what time?

MR. WRIGHT: Prior to September 25, 2008, between the time they were made and September 25, 2008.

A. The servicer was Washington Mutual F.A.

Q. Okay. Was there an investor?

A. It was bank-owned. It's always been bank-owned.

Q. It's always been bank-owned?

A. Correct.

Q. And you know that because?

A. I reviewed Chase's books and records.

Q. What in the books and records

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would indicate to you that it was bank-owned versus not bank-owned?

A. Well, they're through the investor screens and also the ID codes, investor ID codes.

Q. Okay. And the ID codes are letters, aren't they?

MR. HERMAN: Objection.

A. They consist of letters and numerals.

Q. Okay. And what letters would indicate an investor?

A. There's three digits or three characters.

Q. Two letters and a number?

A. No, it could be a mixture of.

Q. So what three characters -- well, let's put it another way.

What characters would indicate a Chase-owned asset -- a WaMu-owned asset?

Excuse me.

A. For these two loans?

Q. Yes.

A. A01.

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Q. A01?

A. Yeah.

Q. And that A01 stands for what?

A. That's just the three digit code, which is bank-owned.

Q. A01?

A. Uh-huh.

(Recess)

EXAMINATION CONTINUED

BY MR. WRIGHT:

Q. All right. Now, are you aware of a -- other than Chase's computer system -- of a list that was submitted to the FDIC of the loans that Chase acquired in connection with the purchase and assumption agreement dated September 25, 2008?

A. An actual list? I don't know.

Q. Okay. You haven't seen one?

A. No.

Q. Have you seen any of Chase's filings with the Securities and Exchange Commission, 10-Ks?

A. I glanced at one a long time ago.

Q. All right. So it would be fair

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to say you're not familiar with what they said between 2008 and 2012?

A. No, I didn't prepare for that.

Q. Do you know whether or not Mr. Freeman's loan was on Washington Mutual Bank F.A.'s balance sheet?

MR. HERMAN: So I'm just going to object because we set forth in our letters to you he's not prepared to testify about balance sheet questions. Those are really accounting questions, not questions relating to the servicing of his specific loan.

MR. WRIGHT: Yeah, but if he knows, he can tell me.

A. I don't know. I know it's under Chase's system. Both loans are within Chase's system, and they're both bank-owned loans.

Q. Does Chase's system tell you where the money to fund that loan came from, either one or both of those loans, Mr. Freeman's loans?

MR. HERMAN: Just to clarify,

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when you say "Chase's system," you mean the systems he's looking at for purposes of preparing for the deposition?

MR. WRIGHT: Yeah.

MR. HERMAN: If you know.

A. No.

Q. You don't know?

A. No.

Q. Does anyone know?

A. I don't know.

Q. Did you see the note of Mr. Freeman's that has an endorsement on it by a Cynthia Riley?

A. Yes.

Q. And do you know when that endorsement was placed on that note?

A. No, it doesn't have a date on it.

Q. When was the first time you saw that note?

A. In the last couple of months.

Q. And when you saw it, did it have the endorsement on it?

A. Yes.



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Q. And is the endorsement on the original of that note?

A. Yes.

MR. WRIGHT: Do we have that here?

MR. HERMAN: Yes. There's two notes. So I just want to be clear for the record --

MR. WRIGHT: I'm not going to take them. I won't even touch them. I'll have the witness turn the pages.

MR. HERMAN: So you asked if we could take out the adjustable rate note for the property at Side Street [sic], did you ask for?

MR. WRIGHT: I want the one with Reilly's endorsement.

MR. HERMAN: I think you're assuming that only one of them has that. I'm not sure if that's true.

MR. WRIGHT: Well, I think that is true.

Q. So, for the record, what are you referring to?

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A. This is original note dated March 11, 2005, for 39 Side Road, Little Compton, Rhode Island 02837.

Q. Mind if I walk around and look over your shoulder?

A. Sure.

Q. All right. So I'm looking at the front page, and can you tell me what that black kind of circular --

A. It means it's an original note.

Q. And do you know who puts that there?

A. That would be the employees in Monroe, Louisiana.

Q. Okay. Would that have been done before or after September 25, 2008?

A. It should have been after September 25, 2008.

Q. Okay. And how do you know that?

A. Because that's Chase's date on it.

Q. Okay. Can you see this note that we're referring to, this one dated March 11, 2005, for Side Road, Little

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Compton, Rhode Island?

A. Yes.

MR. HERMAN: Are you asking if he  
can see it?

Q. Can you see it on your screenshot  
in your computer?

A. Yes.

Q. Is it in color on your computer?

A. No.

Q. And then on page -- I guess it's  
8 of 8 --

MR. HERMAN: Actually, it says "6  
of 6."

MR. WRIGHT: 6 of 6.

Q. 6 of 6, there's an endorsement.  
It says, "Pay to the order without recourse  
Washington Mutual Bank F.A., Cindy [sic]  
Riley, Vice President."

MR. HERMAN: Actually, it says  
"Cynthia A. Riley, Vice President."

MR. WRIGHT: "Cynthia A. Riley,  
Vice President."

Q. Do you know when that endorsement  
was placed there?

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A. No.

Q. Do you know Cynthia Riley?

A. No.

Q. Did you know her to be a vice president of Chase -- or excuse me -- Washington Mutual F.A.?

A. I don't know, other than what it says.

Q. Okay. So you don't know if that endorsement was placed in 2014 or 2012 or prior to the bank -- prior to Washington Mutual F.A. being taken down by the FDIC?

MR. HERMAN: Objection to form.

A. I don't know when it was placed on there.

Q. Okay. Were you working for Washington Mutual Bank F.A.?

A. Yes.

Q. Okay. Was it a practice of Washington Mutual F.A. when you were there, if you know, to endorse blank notes?

MR. HERMAN: Objection.

Q. Or to endorse notes in blank?

A. I don't know.

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Q. You don't know?

A. No.

MR. HERMAN: Are you done with this one?

MR. WRIGHT: Yeah, I think so.

Q. Do you know who would know when that endorsement was placed on that note?

A. No.

Q. Would it have been a practice, to your knowledge, of Washington Mutual Bank F.A. to endorse notes in blank, without a date, prior to September 25, 2008, and just hold them wherever they held them, in Monroe, Louisiana or wherever that would be?

MR. HERMAN: I'm going to object to the form. I don't know what "hold them" means.

Q. Why would the note be endorsed?

A. You're asking me a legal question: Why was it endorsed?

Q. No, I'm asking a factual question.

Why would Washington Mutual Bank

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F.A. endorse a note in blank?

MR. HERMAN: I'm going to object.

That goes beyond the scope of the deposition. If you want to ask him questions about Mr. Freeman's loans, go ahead.

Q. Why would they endorse Mr. Freeman's loans in blank?

A. I don't know.

Q. You don't know?

A. No.

Q. Is it typical to endorse a note because you're transferring it or selling it or signing it?

MR. HERMAN: I'm going to object.

Can you read that back, please.

(Question read)

MR. HERMAN: That goes beyond the scope of the Notice of Deposition.

MR. WRIGHT: It does?

MR. HERMAN: Is it typical to do something?

Q. Was it a practice of Washington Mutual to endorse notes in blank that it

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was not transferring or selling or negotiating?

MR. HERMAN: I don't think the deposition notice calls for him to talk about Washington Mutual's practices.

MR. WRIGHT: He worked there.

MR. HERMAN: As I said, I don't think the deposition notice calls for him to testify about Washington Mutual's practices.

MR. WRIGHT: Well, it says, "The person who can best testify as to defendant's books," so on and so forth, "and support the contention that it's the owner/holder of the two mortgages and notes executed by Freeman."

MR. HERMAN: Right, so he can testify about that. That's not the question you asked.

Q. All right. Well, let me phrase it another way then.

When Washington Mutual took that original note, do you know whether or not that endorsement was on it?

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MR. HERMAN: When they took it  
from whom?

MR. WRIGHT: The FDIC.

MR. HERMAN: You just asked him  
"when Washington Mutual took the note."

MR. WRIGHT: I'm sorry.

Q. When Chase acquired that note  
according to your testimony, was that  
endorsement on there?

A. I don't know.

Q. Okay. Is there anybody who would  
know?

A. I don't know.

Q. Have you seen other original  
notes that Chase acquired from WaMu or  
Washington Mutual F.A. that had  
endorsements in blank on them?

A. Yes.

Q. And with respect to those notes,  
does Chase contend it is the owner of those  
notes?

MR. HERMAN: Are you talking  
about the ones he's personally seen?

MR. WRIGHT: Yeah.



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A. You're talking just in general or the Freeman ones?

Q. Well, in general. I'm kind of wondering why there's an endorsement on a note by somebody who purports to be a president of Washington Mutual F.A., and yet your testimony is that Washington Mutual F.A. owned that note at the time, and it failed and went into receivership, and then Chase acquired it through the purchase and assumption agreement with the FDIC dated the 25th of September 2008.

And I'm wondering if somebody in your organization, Chase, saw that note at the time it was acquired, with or without that endorsement, if you know?

MR. HERMAN: I'm going to object.

It was a very long windup, and I'm not sure exactly what the question is.

Q. Who at Chase could tell me if the endorsement was on that note at the time it was acquired, according to your testimony, from the FDIC?

A. I don't know.

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Q. You don't know?

A. No.

Q. Okay. Who would you ask if you wanted to know?

A. I don't know. I mean I did my research on it.

Q. Well, if you were curious, who would you ask?

A. I don't know. I don't know who's left at Washington Mutual.

Q. No, Chase. Who at Chase would know if that endorsement was there at the time?

MR. HERMAN: He said three or four times he doesn't know.

MR. WRIGHT: I know.

Q. I think you misunderstood what I said.

Who would you ask at Chase if you wanted to know?

A. I don't know.

Q. You don't know. Okay.

MR. WRIGHT: All right. Do we have the other original note?

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MR. HERMAN: Uh-huh, yes.

Q. All right. What I'm looking at here is the original of July 12, 2005, note on 135 Randolph Avenue in Tiverton, Rhode Island. At the top of the first page --

MR. HERMAN: Can we just keep the fingers off? You can point, but keep the fingers off.

Q. Without touching it, I'm pointing to a multiple-circular mark on the top left-hand corner of the note; do you know what that is?

A. Yeah, that means it's an original. We call it a "bull's-eye."

Q. Okay. And over on the right-hand corner at the top is another circular type of thing?

A. We call it a "swirl."

Q. And what does the swirl mean?

A. It means it's an original note.

Q. Okay. So why two?

A. They change -- different between bull's-eye and swirl, and sometimes they --

Q. Who's "they"?

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A. Employees in Monroe, Louisiana.

Q. Employees of who?

A. JPMorgan Chase.

Q. And do you know why they change that?

A. No.

Q. What's the handwritten number up on the top, starts with like an X?

A. Or an asterisk.

Q. Whatever. Then 1022757924; do you know what that is?

A. That may be the loan -- I'd have to look at the payment history just to verify if that's a different loan number that's assigned to it.

Q. Okay. Is the number that's kind of right below the typewritten adjustable rate note, beginning with an 03, is that a loan number too?

A. The WaMu number actually starts at 069434295.

Q. Okay. And the 032380 is whose number?

A. I forget what that meant, but the

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loan starts at 069434295.

Q. Okay.

MR. WRIGHT. Do you want to flip over?

MR. HERMAN: Sure. No offense. We take very good care of these. Anything in particular you're looking for?

MR. WRIGHT: The last page.

MR. HERMAN: 6 of 6.

Q. Again, that has an endorsement by Cynthia A. Riley?

A. Correct.

Q. You don't know when that endorsement was placed on the note?

A. No.

Q. And that endorsement appears on page 6 of 6 of the promissory note?

A. Yeah, on the original note.

MR. WRIGHT: Can you make copies of these two so we can mark them and just put them in? Do you mind? You don't have to do it now, we can do it later.

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2 MR. HERMAN: Okay.

3 (Recess)

4 (Adjustable Rate Note for 39 Side  
5 Road marked Exhibit 2 for  
6 identification)

7 (Adjustable Rate Note for 135  
8 Randolph Avenue marked Exhibit 3 for  
9 identification)

10 MR. HERMAN: If we could say on  
11 the record that these are copies. I've  
12 provided Counsel copies of the original  
13 documents that we looked at that I  
14 happen to have with me. We haven't sat  
15 here today and compared page by page,  
16 but these appear to be copies of the  
17 documents we looked at.

18 The 39 Side Road note copy is  
19 Exhibit 2. The 135 Randolph Avenue  
20 note copy is Exhibit 3. We have not  
21 put exhibit stickers on the original  
22 documents, which I'm maintaining  
23 possession of.

24 BY MR. WRIGHT:

25 Q. Do you know a gentleman by the

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name of Richard Naylor?

A. Not personally, but I know who he is.

Q. Okay. And was he -- if you know -- in 2011 -- well, let me ask another way.

Do you know what his position is? Is he still with Chase?

A. I don't know if he's with Chase or not.

Q. In 2011, do you know whether or not he was the operations manager AVP for Chase?

A. I don't know.

Q. How do you know him?

A. I worked -- he was in our same -- or he worked in the same building. I worked in Washington Mutual, and I believe he went over to loss mitigation after 2009-ish or eight.

Q. For Chase?

A. Yeah, it would have been after September 25, 2008. For Chase.

Q. I think I asked you this, but did you know Cynthia Riley?

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A. No.

Q. Have you ever heard of Washington Mutual's secondary delivery operations?

A. It doesn't ring a bell.

Q. I call back to Mr. McCormick's affidavit of -- this affidavit was signed in the state of Wisconsin?

A. That's what the affidavit says.

Q. In the County of Milwaukee, we don't know what town or whatever.

What operation does Chase have in the County of Milwaukee, Wisconsin?

A. I don't know the exact departments out there, but I do know there's an operations center out of there as well.

Q. And as authorized signer, does he get a power of attorney from the company to be able to sign, or is that just a designation that certain people have at Chase?

A. I don't know.

Q. Do you sign affidavits for Chase?

A. Yes.



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Q. Do you sign as an authorized signer?

A. I don't remember. I know at one point assistant vice president.

Q. Excuse me? I'm sorry.

A. I know at one point assistant vice president.

Q. You signed as assistant vice president?

A. Yeah. Or as mortgage bank research officer.

Q. Okay. When you testify, you don't identify yourself as an authorized signer, right?

A. No, mortgage banking research officer.

Q. Okay. In paragraph 5 of Mr. McCormick's affidavit he's talking about his knowledge of how Chase maintains records.

Are you able to testify to the same information that he's testified to or stated in his affidavit in paragraph 5?

A. Yes.

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2 Q. And the records in his affidavit  
3 that are from Washington Mutual F.A., do  
4 you know how they're kept or how they were  
5 kept?

6 MR. HERMAN: Can we make  
7 reference to a specific exhibit as  
8 opposed to the unspecified records of  
9 Washington Mutual Bank F.A.?

10 MR. WRIGHT: Yeah, the ones that  
11 are set forth in the affidavit.

12 MR. HERMAN: Well, there are a  
13 number of exhibits set forth in the  
14 affidavit. If you believe one on them  
15 is a record of Washington Mutual F.A.,  
16 why don't you ask him about that  
17 specific record?

18 MR. WRIGHT: Okay.

19 Q. In paragraph 17 Mr. McCormick  
20 talks about sending a letter to Mr. Freeman  
21 concerning his failure to make monthly  
22 payments, and then similar letters dated  
23 January 22nd, February 2nd, February 9th,  
24 February 27th, but they're all listed in  
25 there, so I'm not going to go through them.

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Exhibits 8 Through 15.

The letters from JPMorgan Chase, it says through March 12, 2009, reflect WaMu's name on the letterhead; why would that be?

A. It says therefore the letterhead stating WaMu is becoming Chase.

MR. HERMAN: Do you want to show him the letter?

MR. WRIGHT: No, I am asking him if he's familiar with it. I can probably show him the letter if he wants to see it.

MR. HERMAN: Is your question -- I just want to make sure I understand.

Q. I just want to understand why after the bank failed, that is Washington Mutual F.A., why demand letters were being sent out on their letterhead by Chase?

A. The reason for that is because when -- September 25, 2008, that night, not every single sign came down and a Chase sign went up. It was a transition period between letterheads, you know, signs,

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2 branding of it, to show Chase on there. So  
3 it wasn't, you know, an overnight operation  
4 where the signs just dropped off the floor  
5 and we put new signs up; it was just a  
6 transition time where eventually  
7 letterheads and the banks put the Chase  
8 logo on there.

9 (Collateral Valuation Report  
10 marked Exhibit 4 for identification)

11 MR. HERMAN: Counsel, I'll note  
12 that Exhibit 4 appears to be -- well,  
13 it's a document that says "Washington  
14 Mutual," at the top. There's a hole in  
15 it. There's no Bates numbers on it.

16 MR. WRIGHT: There's no what?

17 MR. HERMAN: Bates numbers  
18 indicating it was produced to us in the  
19 matter. I note that there's also  
20 handwriting on it in pencil and in ink  
21 and I don't know whose that is either.

22 MR. WRIGHT: Okay.

23 MR. HERMAN: So you can ask a  
24 question, but I don't know what record  
25 it is.

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MR. WRIGHT: Yeah, I'm not asking you.

Q. Can you see the exhibit in front of you?

A. Yes.

Q. Okay. Have you seen that before in some form without the handwritten marks on it?

A. I don't recall.

Q. Okay. Do you know who Washington Mutual Wholesale Lending is?

A. I know who they were, yes.

Q. Who were they?

A. They were the wholesale side of the business for residential mortgages.

Q. You say the "wholesale side." What does that mean?

A. In other words, the wholesale deals with brokers, mortgage brokers.

Q. Okay. And does that document indicate who funded Mr. Freeman's loan?

MR. HERMAN: If you're familiar with the record. Again, this is a Washington Mutual record. I'm not sure

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this has even been produced in this case.

A. This doesn't mention funding.

Q. And why would Washington Mutual Wholesale be involved with Mr. Freeman's loan?

A. Because Mr. Freeman went to a broker to obtain a loan, and then the broker's duties was to shop the loan around through various lenders. And at this time -- his two loans went to Washington Mutual bank.

Q. From?

A. The broker basically brings a customer in, and then he would shop the rates and terms and fees with various lenders, and then he would choose -- the broker would choose the lender.

Q. Okay.

MR. HERMAN: I just want to note again that if Mr. Freeman has documents related to these loans that he hasn't produced in this case, it's ridiculous at this point. The case has been

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pending for years.

You're shrugging your shoulders as though that's not your obligation. We've had discovery requests outstanding. He's testified at his deposition he's got some mysterious box of documents that was never found.

MR. WRIGHT: I would appreciate it if you would not judge me by how I react to your comments, okay? Why don't you just do what you're supposed to do, which is make objections for the record and let the witness testify. You can take up your discussion about Mr. Freeman's failure to produce documents at some other time, but I really don't want to hear it.

MR. HERMAN: You can want to hear it or not, I'm going to make the objection on the record.

MR. WRIGHT: It's not an objection, it's a statement.

(Letter with attached documents marked Exhibit 5 for identification)

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MR. HERMAN: I'll just note that the Bates sequencing of these documents is out of order.

MR. WRIGHT: I think I printed it out the way you sent it.

MR. HERMAN: Yeah, it may have been sent out of order.

MR. WRIGHT. And by the way, I got these yesterday, so you want to talk about ridiculous, we just went to the sublime.

MR. HERMAN: Go ahead.

MR. WRIGHT: I just figured I'd pass judgment.

MR. HERMAN: Pass away.

MR. WRIGHT: I sure wouldn't want to mix up the witness, you know, and be accused of that by you.

MR. HERMAN: You would never be. You can go ahead and ask questions based on the document.

BY MR. WRIGHT:

Q. All right. I'm going to have to come over here and look over your shoulder,



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if you don't mind.

And I'm going to represent to you that this was produced to me on August 16th in response to a document production request. It was a supplement. The first page is the cover letter. By the way, you can touch these if you like.

A. Okay.

Q. First of all, whether they're out of order, I don't know, but this is how I received them.

But do you know what this is -- you can look at them if you like -- other than the cover letter?

A. These are what's called a "DocLine report."

Q. Excuse me?

A. A DocLine report. It shows tracking of the original note, mortgage, are some of the things on there.

Q. And when does that tracking begin?

A. Well, the deposit date on here -- you're asking about the original note, when

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it was deposited?

Q. Yeah.

A. On both loans, right?

Q. Yes, sir.

A. Let me see here. July 18, 2009, that was received into -- deposited in the Monroe, Louisiana facility.

Q. Does it indicate where it was before then? What note was that? I'm sorry.

A. That note -- well, let me just check the other ones too. For the last four digits is 3454 in the loan number. And then the 7924, the deposit date in the Monroe, Louisiana facility -- I don't know what page it is.

MR. HERMAN: Is it missing a page?

THE WITNESS: It may be. Oh, no it's not, sorry. Okay. So deposit date on last four digits of 7924 property, the Freeman loan was deposited in Chase -- the Monroe, Louisiana facility, Chase's facility in

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Monroe, Louisiana, July 21, 2009.

Q. Okay. I'm looking at this page on Exhibit No. 5, and at the bottom it says page 4, but it also has, I guess, a Bates stamp which is 004148, and it says, "Document Notation: WAMU TO BLANK."

What does that mean?

A. Where it says "WAMU TO BLANK"?

Q. Yeah.

A. The endorsement.

Q. And the date is April 21, 2004 [sic].

A. '14.

Q. '14, I'm sorry.

What does that indicate? Is that the date the endorsement was released?

A. No.

MR. HERMAN: Did you say "released"?

MR. WRIGHT: I don't know what that means.

THE WITNESS: The document release date is April 21, 2014, which went to Morgan Lewis. That's when

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Chase sent it to Morgan Lewis.

Q. On this document does it indicate anywhere where the endorsement was originally given to Chase?

MR. HERMAN: Object to the form.

Q. Do you know what I'm saying?

A. No.

Q. Yeah, me neither.

So this "WAMU TO BLANK," that refers to an endorsement?

A. Yes.

Q. Okay. And the document indicates that on April 21st of 2014, it was sent to Morgan Lewis, the endorsement; is that right? Am I reading that right? I'm not familiar with these.

A. That's when the document was released. If you go by the note deposit date -- that's when it's deposited to Chase's system -- that's 7/21/2009.

Q. So that wouldn't have included the endorsement when it was deposited?

A. I don't know when the endorsement was put on there.

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Q. And there's nothing in this record that we're looking at here on Exhibit 5 that would indicate when the endorsement was received by WaMu or Chase or anyone other than Morgan Lewis?

A. I don't understand.

Q. Well, Exhibit 5 shows us that the document left somewhere and went to Morgan Lewis on April 21, 2014, right?

A. Yes, the document -- the original mortgage -- the collateral file went to Morgan Lewis.

Q. That's "WAMU TO BLANK," that's the endorsement? Is that the Cynthia Riley endorsement or is that another endorsement?

A. No, there's only one endorsement on the notes on both notes.

Q. All right. So that's not a separate instrument, that's the note? When it says "WAMU TO BLANK," that's the note that the document notation is referring to?

A. Well, it says "original note" on the -- you have to go -- which is the original -- you have to go --

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Q. I'm trying to understand.

MR. HERMAN: Let's put these like this (indicating).

THE WITNESS: That's the way it's printed out.

Q. So it starts here --

A. No, over there (indicating).

Q. So now that we have laid out all these pages, show me where the original note was sent out to Monroe.

A. If you go -- when it was deposited in Monroe?

Q. Yes, sir.

A. So if you go up here to "Note Instrument," okay?

Q. Uh-huh.

A. And then you've got "Deposit Date," which is the second one up, the note instrument that's on page 3 of that exhibit. And if you go to page 5 of that exhibit, you'll go to the "Document Deposit Date," which is the second column in. It will say "7/21/2009," and to the left of that it says "Doc Track Location." It says

1  
2 "Morgan Lewis & Bockius, LLP."

3 Q. And what does that mean? What  
4 does the notation of Morgan Lewis means?

5 A. It was shipped to Morgan Lewis &  
6 Bockius, LLP.

7 Q. Oh, I see.  
8 And then it was originally  
9 deposited --

10 A. 7/21/2009 into the Chase facility  
11 in Monroe, Louisiana.

12 Q. Okay. And then why is the Morgan  
13 Lewis name next to it? What is that where  
14 it says "Doc Track"?

15 A. Location, description. That's  
16 where it went. That's where the original  
17 note is.

18 Q. Oh, now?

19 A. Correct.

20 Q. The 7/21/09 date was the date it  
21 was deposited in Monroe or the date it was  
22 sent to Morgan Lewis?

23 A. No, no. 7/21/2009 it was  
24 deposited in Monroe, Louisiana at the Chase  
25 facility.

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Q. Okay. Do you know where it was prior to that then?

A. In general practice, Washington Mutual's facilities was in Florence, South Carolina, at a warehouse there.

(Affidavit marked Exhibit 6 for identification)

MR. HERMAN: Is there some difference between Exhibit 1 and Exhibit 6?

MR. WRIGHT: There is, and that's what I'm going to ask him about.

Q. If you look at the last page, do you see that (indicating)? And then go to -- this is really weird.

MR. HERMAN: Where did you get the two copies?

MR. WRIGHT: I don't know. I print them off as they come, but they look like they're from you because -- but they're smaller.

MR. HERMAN: I'll ask my associate. I have some vague recollection of a substitute -- oh, I



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think -- I have some vague recollection of a substitute signature page, but let me check with my associate, and I'll get back to you on that.

MR. WRIGHT: Okay. I don't need to ask him, I'll just mark it.

MR. HERMAN: Okay.

(Letter with settlement agreement marked Exhibit 7 for identification)

MR. HERMAN: I'll just note for the record that this is a settlement communication, and we're going to object to the admissibility of this document based on the fact that it's a settlement communication.

MR. WRIGHT: I'm not admitting anything.

MR. HERMAN: Pardon?

MR. WRIGHT: It's a deposition, I'm not admitting anything.

MR. HERMAN: I'm just reserving out of rights with respect to the document.

MR. WRIGHT: I don't think you

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need to do that, but you can do it.

BY MR. WRIGHT:

Q. Have you seen that before?

A. I can't recall either way. I don't remember.

Q. You don't recall whether or not you saw that before?

A. No.

Q. Okay. Are you familiar with the loan modification agreements that were entered into with Mr. Freeman?

A. Yes.

Q. Okay. And did you review those in connection with this deposition?

A. Yeah.

Q. All right.

MR. HERMAN: We've been going an hour since the last break. Is it okay if we take five minutes?

MR. WRIGHT: Absolutely.

(Recess)

(Multiple loan documents marked Exhibit 8 for identification)

EXAMINATION CONTINUED

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BY MR. WRIGHT:

Q. I've handed you a series of documents marked Exhibit No. 8.

A. Okay.

Q. The first page of Exhibit 8 references Loan No. 3454?

A. Correct. The last four digits.

Q. And the borrower's name is Freeman?

A. Correct.

Q. What does LNTH mean?

A. It stands for "loan transfer history."

Q. Okay. And then moving along that same line, it says "LOAN TRANSFER HISTORY 07/11/16"?

A. Yeah, that's when it was printed. That's when I printed it out.

Q. When you printed it?

A. Screenshot, yeah.

Q. Okay. And the second line there, it says "TRANSFER [sic] DATE OLD/INV."

What does that mean?

A. Oh, transaction date -- okay.

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That's when there was a transaction date.

MR. HERMAN: Can you read back  
his question.

(Question read)

MR. HERMAN: Okay. So I'm going  
to object to that.

MR. WRIGHT: So let me correct  
that.

Q. It says "TRAN DATE OLD/INV."  
What does that mean?

A. It says "transaction date," and  
then that stands for old investor.

Q. What does that mean?

A. The old -- if there was an older  
investor, like if it was somebody else.

Q. So does that mean there is an  
older investor or there is not?

A. No, it's always been bank-owned.

Q. So what's that notation there  
for?

A. Well, if there was an old  
investor.

Q. What would it look like if there  
was an old investor?

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A. It would have a three-digit different code for -- if it was, like, you know, sold to a trust or something like that, it would be an old -- different investor.

Q. Okay. And then moving along, it says "NEW INV HT NM S/R/M ADDITIONAL TRANSFER INFORMATION."

What does all that mean?

A. It just shows the investor code on there, which is X99, which is bank-owned for Chase.

Q. And then the third line, "DATE PAID EFF DATE EFF BALANCE INVOICE #" --

MR. HERMAN: No, that's not what it says.

Q. -- "INV #" --

MR. HERMAN: No. "INV LOAN #."

Q. -- "OLD S/F NEW S/F GF AFT B/B."  
That's the third line.

What does all that mean?

A. The investor loan number is the -- 3454 is last four digits of it, so it's the same loan number, so it's bank-owned.

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"OLD S/F." "S/F" stands for servicing fee, so old servicing fee versus a new servicing fee. Since it's bank-owned, we don't charge ourselves a servicing fee.

If it was a different investor on there, then there would be anywhere from -- I've seen an 1/8 of a percent all the way up to 7/8 of a percent. But it's bank-owned, so it's zero.

Q. And then there's like a dotted line below -- well, right above that it says "FRCD," on like the fourth line, about a fifth of the way in.

A. I'm not sure what that is.

Q. Okay. "01/18/12," below the dotted line?

A. It just says "transaction date." There was some kind of maintenance on the loan.

Q. And "INVESTOR LOAN #," it says "blank"?

A. You're talking about right in the middle, "INV LOAN #"?

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Q. No, I'm looking right below the dotted line, and it says "X99."

Start there: What does that mean?

A. X99, that's Chase's investor code for being bank-owned.

Q. Okay. And then it says "013"?

A. I don't know what the 013 is.

Q. And then there's a space and the number two?

A. I'm not sure what that is.

Q. And then there's the letter N?

A. I'm not sure what that is.

Q. Okay. And then "MAINT, CATEGORY," and "INVESTOR LOAN#"?

A. Yeah, "MAINT" is maintenance category and investor loan number.

Q. Okay. And then below that it looks like there's a blank with a back slash and then another blank with a back slash and then another blank; what's that for?

A. If it was -- like let's say if it was sold to another trust or somebody else

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on there, it will show a date paid.

Q. To another trust or to a trust?

A. To a trust, if that was applicable. In this case, it's always been bank-owned for both loans -- for both Mr. Freeman's loans.

Q. All right. Let's go to the next page.

Now, that's the -- this is the same loan number, right, the last four digits?

A. Correct.

Q. And then right below the loan number, right below the line, it says "MA" -- is that "SI" or "S1"?

A. "MAS1."

Q. What does "MAS1" stand for?

A. Master screen.

Q. And the 1?

A. I'm not sure. It's MAS1 and the sub-screen is INV1, which is the investor information, which is almost directly below the MAS1. That's a sub-screen of MAS1.

Q. Okay. And what is "MSP LOAN



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MASTER MAINTENANCE" or "LOAN MASTER MAINT.  
AND DISPLAY"?

A. That's the screenshot.

Q. And below that it says "NAME" and  
"WR FREEMAN."

"TYPE 13," what's that?

A. I'm not sure what Type 13 is.

Q. It says "1ST MTG, CONVEN W/O  
INS."

A. First mortgage, conventional  
without insurance, which means without PMI  
and ARM, which means adjusted-rate  
mortgage.

Q. And what does the group indicate?

A. Not sure.

Q. You're not sure?

A. No.

Q. Okay. And then the next line  
below -- well, the next one says "INV1  
INVESTOR SERVICE FEES."

Do you see that? And then it has  
a bunch of dashes after that line.

A. Yeah.

Q. And then the next line reads "INV

1  
2 CAT INV LOAN NO SALE/REPURCHASE --- FNMA  
3 LASER --- FNMA DEL," and then there's a  
4 line below that.

5 Can you tell me what all that  
6 means?

7 A. The "INV," that means it's  
8 bank-owned. That's the three-digit  
9 investor code.

10 "CAT" appears on the document.  
11 "13," I'm not sure. It says "category,"  
12 that's what it means.

13 "INV LOAN NO," which is investor  
14 loan number, which is the same as the  
15 servicing number since it's bank-owned. If  
16 the loan was repurchased -- let's say  
17 there was an FH loan or an FHA or a Fannie  
18 Mae loan or a Freddie -- whoever, it'll  
19 show if it was repurchased and what date it  
20 was repurchased on. In this case, it was  
21 never repurchased or sold to anybody.

22 Fannie Mae -- "FNMA," which is  
23 Fannie Mae Laser. I'm not sure -- that --  
24 actually the date would have been when it  
25 was repurchased, if it was applicable, but

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in this case it's not.

And then there's a -- "DEL" is delinquent status. There's codes for how delinquent it is, and then it appears 0.

And the "INV" shows JPMorgan Chase, N.A.

Q. Did you print this one off also?

A. I did.

Q. And then the next page?

MR. HERMAN: Is there a question?

MR. WRIGHT: Yeah, I think I pretty much -- let's see.

Q. Page 4 starts information on the Loan No. 7924?

A. Yeah.

(Portion of Washington Mutual Home Servicer Guide marked Exhibit 9 for identification)

Q. Have you seen that before?

A. I'm not sure what this is.

Q. Well, let me represent to you that it's a portion of the Home Servicer's Guide, and it was updated -- I think at the bottom of the page -- in 2010.

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MR. HERMAN: Whose home  
servicer's guide?

MR. WRIGHT: Well its not  
Chase's. At the time, it was WaMu  
Securities.

MR. HERMAN: I'm going to object.  
This is well beyond the scope of the  
30(b)(6) deposition notice.

MR. WRIGHT: I'm just asking him  
if he's seen it before.

A. I haven't.

Q. You haven't?

A. No.

Q. All right. Let me ask you this  
question in two ways.

So do you know whether it was a  
practice of -- let's start with Washington  
Mutual F.A. -- in lieu of retaining copies  
of the originals, they maintained the loan  
files in microfilm or microfiche or  
electronic media?

MR. HERMAN: Can you read that  
back, please.

Q. I said, "In lieu of maintaining

1  
2 copies and originals as required above, the  
3 Servicer may maintain its loan files in the  
4 form of microfilm, microfiche or electronic  
5 media, providing that the following  
6 requirements are met."

7 MR. HERMAN: I'm going to object  
8 in that it's beyond the scope and the  
9 witness said he's never seen that  
10 document before.

11 Q. Well, was it a practice of  
12 Washington Mutual to destroy the originals  
13 and then recreate it through a computer  
14 system?

15 A. Not to my knowledge.

16 Q. Was that a practice of Chase?

17 A. No.

18 Q. Now, in 2005, who did you work  
19 for?

20 A. Washington Mutual Bank F.A.

21 Q. Okay. Was Washington Mutual Bank  
22 F.A. an assumed name, or was that the  
23 actual name of the bank in 2005?

24 MR. HERMAN: Objection. I don't  
25 what "an assumed name" is.

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MR. WRIGHT: Fictitious.

A. I remember answering the phone,  
"Welcome to Washington Mutual Bank F.A."

Q. Okay. Are you familiar with the  
investor code A01?

A. Yes.

Q. And that stands for what?

A. It was Washington Mutual Bank's  
code for bank-owned.

Q. And could you give me an example  
of a code, one where there was an investor  
involved with that code?

A. Say that again.

Q. How would the code change reflect  
an investor?

A. Well, Washington Mutual had their  
codes of A01 as bank-owned and then Chase's  
bank-owned investor code is X99.

Q. And the investor codes for  
Washington Mutual were what?

A. For bank-owned loans, it was A01.

Q. But for non-bank-owned?

A. It just depends on the investor.

Q. But it was a three-digit --

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A. Three characters, yes.

Q. Three characters?

A. Yes.

Q. And likewise, Chase, the investor code was -- you said X99?

A. X99 -- Investor Code X99 is Chase's code for bank-owned loans.

Q. Okay. And if there was an investor, would it also be a three-digit code?

MR. HERMAN: Do you mean if there was another investor other than Chase?

MR. WRIGHT: Right.

A. Yeah, if there was another investor, it would have a different code.

MR. WRIGHT: That's it.

MR. HERMAN: Okay.

MR. WRIGHT: Thank you, sir.

THE WITNESS: Thank you.

(Time noted: 12:00 p.m.)





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PETER KATSIKAS

Subscribed and sworn to  
before me this            day  
of                            2016

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August 18, 2016

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