

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

In re: Bank of America Home Affordable
Modification Program (HAMP) Contract
Litigation

Civil Action No. 1:10-md-02193-RWZ

DECLARATION OF SETH M. GOLDSTEIN
IN SUPPORT OF DEFENDANT'S MOTION FOR A PROTECTIVE
ORDER REGARDING CONFIDENTIAL INFORMATION

I, SETH M. GOLDSTEIN, declare as follows:

1. I am an attorney with the law firm Goodwin Procter LLP, counsel for Defendant Bank of America, N.A. (“BANA”), by itself and as successor by merger to BAC Home Loans Servicing, LP. I respectfully submit this Declaration in Support of Defendant’s Motion to Affirm the Confidentiality Designations of Deposition Transcripts. I am above the age of 18, and if called upon, could truthfully testify to the following:

2. Attached hereto as Exhibit A is a true and correct copy of the pages containing the portions of the transcript of the deposition of Tawnya Schoolitz (the “Schoolitz Transcript”), taken in this matter on May 9, 2012, that BANA has designated as confidential pursuant to the Stipulated Protective Order entered in this case on May 16, 2011 (the “Protective Order”) [Dkt. No. 56] (filed under seal).

3. Attached hereto as Exhibit B is a true and correct copy of the pages containing the portions of the transcript of the deposition of Jinja Martin (the “Martin Transcript”), taken in this matter on May 24, 2012, that BANA has designated as confidential pursuant to the Protective Order (filed under seal).

4. Attached hereto as Exhibit C is a true and correct copy of the pages containing the portions of the transcript of the deposition of Christopher Orris (the “Orris Transcript”), taken in this matter on May 31, 2012, that BANA has designated as confidential pursuant to the Protective Order (filed under seal).

5. Attached hereto as Exhibit D is a true and correct copy of the June 20, 2012 letter from James W. McGarry to Lead Plaintiffs’ counsel designating portions of the Schoolitz Transcript as Confidential Information pursuant to the Protective Order.

6. Attached hereto as Exhibit E is a true and correct copy of the July 9, 2012 letter

from James W. McGarry to Lead Plaintiffs' counsel designating portions of the Martin Transcript as Confidential Information pursuant to the Protective Order.

7. Attached hereto as Exhibit F is a true and correct copy of the July 9, 2012 letter from James W. McGarry to Lead Plaintiffs' counsel designating portions of the Orris Transcript as Confidential Information pursuant to the Protective Order.

8. Attached hereto as Exhibit G is a true and correct copy of the July 11, 2012 letter from Ari Y. Brown to James W. McGarry challenging BANA's designations of the Schoolitz, Martin, and Orris Transcripts.

9. Attached hereto as Exhibit H is a true and correct copy of the July 18, 2012 letter from James W. McGarry to Ari Y. Brown regarding Plaintiffs' challenges to the designations of the Schoolitz, Martin, and Orris Transcripts.

10. Attached hereto as Exhibit I is a true and correct copy of the July 26-27, 2012 email chain between Seth M. Goldstein, Ari Y. Brown, and others regarding the parties' telephonic conference pursuant to Local Rule 37.1 concerning the confidentiality designations of the Schoolitz, Martin, and Orris Transcripts.

11. Attached hereto as Exhibit J is a true and correct copy of the August 1, 2012 letter from Seth M. Goldstein to Lead Plaintiffs' counsel revising the portions of the Schoolitz, Martin, and Orris Transcripts designated as confidential information pursuant to the Protective Order.

12. Attached hereto as Exhibit K is a true and correct copy of the August 1, 2012 email from Ari Y. Brown to Seth Goldstein and Stephen Hoeplinger regarding BANA's revisions to the portions of the Schoolitz, Martin, and Orris Transcripts designated as confidential information pursuant to the Protective Order.

13. Attached hereto as Exhibit L is a true and correct copy of the subpoena issued to

Christopher Orris by Plaintiffs on May 11, 2012, and provided to BANA on May 17, 2012.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 24th day of August, 2012, at Los Angeles, California.


Seth M. Goldstein

CERTIFICATE OF SERVICE

I, James W. McGarry, hereby certify that a copy of the foregoing document, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies shall be served by first class mail postage prepaid on all counsel who are not served through the CM/ECF system on August 24, 2012.

/s/ James W. McGarry