

Exhibit 2

HONORABLE RYA W. ZOBEL

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE BANK OF AMERICA HOME
AFFORDABLE MODIFICATION PROGRAM
(HAMP) CONTRACT LITIGATION

No. 1:10-md-2193 RWZ

**REPLY DECLARATION OF TYLER WEAVER IN SUPPORT
OF PLAINTIFFS' MOTION TO COMPEL**

I, Tyler Weaver, declare as follows:

1. I am a partner at the law firm of Hagens Berman Sobol Shapiro LLP. I am one of the co-lead attorneys representing Plaintiffs in this MDL. I am over the age of 18, otherwise competent to testify and state the following based on my personal knowledge.

2. On June 11, 2012, following the most recent status conference with the Court in May 2012, counsel for Plaintiffs and counsel for Defendant met and conferred in an attempt to resolve numerous outstanding discovery disputes.

3. During that phone call, we indicated we would provide Defendant a list of custodians and search terms, and a proposed protocol in a few days. We specifically indicated on that call that we wanted to work with them on the terms, and that if there were terms that returned an excessive amount of documents, or that Defendant found otherwise objectionable,

we would be willing to talk about whether those terms should be modified or dropped. We then memorialized that proposal in our June 14, 2012 letter and proposed protocol that I attached to my previous declaration as Exhibit 6.

4. Plaintiffs have always been inclined to work with defense counsel to make sure we get relevant documents, but without placing unnecessary burdens on everyone involved in the process. To be clear: we do not want to be burdened with irrelevant documents, and we have no interest in creating unnecessary review of irrelevant documents. We simply need the relevant emails and attachments from the custodians we have identified. However, without specific information from BOA indicating particular terms are returning too many documents and thus need adjustment, or some counterproposal from BOA, it is essentially impossible for us to know how to meaningfully modify our searches in a way that BOA would accept.

5. The parties have met and conferred on several occasions regarding various reports generated by Defendant that Plaintiffs believe to be relevant to the current motion to compel. Most recently, we were able to determine after much discussion that Defendant has a total of 150 “audit reports” of its HAMP program. In a phone conference (in which I did not participate but have received reports about), Plaintiffs specifically requested that Defendant produce all the audit reports. This was later memorialized in an email, a true and correct copy of which is attached as Exhibit 18. I understand that defense counsel indicated on the phone call that we would learn BOA’s position on this issue early on the week of August 13th. However, we have not heard anything in response.

6. Attached as Exhibit 19 is a true and correct copy of excerpted pages from the transcript of the deposition of Tawnya Schoolitz, taken on May 9, 2012.

7. Attached as Exhibit 20 is a true and correct copy of excerpted pages from the transcript of the deposition of Lourdes Duarte, taken on May 23, 2012.

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 27, 2012 in Seattle, Washington.

s/ Tyler S. Weaver
Tyler W. Weaver

CERTIFICATE OF SERVICE

I hereby certify that on August 27, 2012, a true and correct copy of this document was filed electronically. Notice of this filing will be sent by electronic mail to all counsel of record by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Tyler S. Weaver
Hagens Berman Sobol Shapiro LLP

Exhibit 18

Tyler Weaver

From: Ari Brown
Sent: Thursday, August 09, 2012 1:55 PM
To: Goldstein, Seth (SGoldstein@goodwinprocter.com)
Cc: Shennan Kavanagh; Gary Klein; Kevin Costello; Tyler Weaver; McGarry, James W; Sherman, Lee
Subject: production of HAMP related audit reports

Seth,

Following up on our discussion of this week regarding the audits that Plaintiffs need produced. We explained that, in light of the fact that Bank of America has identified only 130 audits as having been conducted as "HAMP related audit reports," and another 23 audit reports (listed on Exhibit 1 of your letter dated June 29), it is Plaintiffs' position that they should all be produced. It has now been six months since the Court ordered Bank of America to produce the reports. When requesting a list of audit reports that we would then narrow down, we were under the impression that there were several hundred or even several thousand reports and that we would then designate a smaller number of reports for production. This was offered as a courtesy to reduce the burden of production. We explained that it would have been likely that we would likely have designated approximately 150 reports.

We understand that the list of audit reports includes only those that Bank of America believes involve HAMP and that Bank of America has excluded many categories of audits such as those involving REO management, origination, insurance products and several others. We are waiting for a written explanation of the categories of audits that were included versus those that were excluded. Given the culling that Bank of America has apparently already performed, and the relatively small number of audit reports you now claim to be responsive, we do not believe it necessary to reduce the number further. Please let us know as soon as possible when we can expect to see this production.

We look forward to your prompt response.

Thank you,

Ari Brown | Attorney
Hagens Berman Sobol Shapiro LLP
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Named to 2011 Plaintiff's Hot List by *The National Law Journal*



Exhibit 19

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In Re: Bank of America Home)	
Affordable Modification Program)	No. 1:10-md-02193-RWZ
(HAMP) Contract Litigation,)	
)	
)	

DEPOSITION OF TAWNYA SCHOOLITZ

Phoenix, Arizona

May 9, 2012

9:04 a.m.

REPORTED BY:

Debra Riggs Torres, RPR

Certified Reporter

Certificate No. 50647

PREPARED FOR:

(ASCII/COPY)

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1 Q. And under a special forbearance program, when a
 2 customer skips monthly payments, does their indebtedness
 3 rise?
 4 MR. MCGARRY: Objection. Foundation.
 5 THE WITNESS: You'll tell me if I answer
 6 this incorrectly, they are left with a past-due and they
 7 do accrue delinquency.
 8 Q. BY MR. BROWN: And the past-due amount is added
 9 to the amount owing?
 10 A. Correct.
 11 Q. What information -- what data is input into
 12 Profiler to make the determination?
 13 A. Stated income and stated expenses. So your gross
 14 income for yourself and your spouse or a contributing
 15 party, and then total debt, including your house payment,
 16 car payment, roughly what do you pay in credit cards. So
 17 a stated kind of P & L, if you will, from a customer's
 18 perspective.
 19 Q. Who inputs that?
 20 A. The frontline associate speaking to the customer.
 21 Q. So there are data fields for them to put in --
 22 A. Yes.
 23 Q. And those data fields include -- are they
 24 detailed, like car payment amount, house payment amount,
 25 food monthly?

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1 A. Yes.
 2 Q. So it's a line item set of fields?
 3 A. Yes, as is the income. So if you have more than
 4 one borrower, or if I work for Bank of America and I am
 5 self-employed, there would be line items for my Bank of
 6 America income, my self-employment income, if I'm getting
 7 a pension. So income is line-itemed as well as debt.
 8 Q. These data points are exportable to like Excel?
 9 MR. MCGARRY: Objection to the form and
 10 foundation.
 11 THE WITNESS: I don't know the answer to
 12 that.
 13 Q. BY MR. BROWN: But they're separate fields?
 14 A. Right. I would assume we can query. I've never
 15 queried from Profiler, but --
 16 Q. Okay.
 17 A. -- but it would stand to reason that we could.
 18 Q. Does Profiler -- is information from Profiler
 19 accessible from AS400?
 20 A. No, sir.
 21 Q. Does information from Profiler get uploaded to
 22 AS400 in any way?
 23 A. No, sir.
 24 Q. Is Profiler a completely standalone system or
 25 integrated with any other system?

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1 MR. MCGARRY: Objection to the form and
 2 foundation.
 3 THE WITNESS: It is standalone.
 4 Q. BY MR. BROWN: Okay. A Profiler report -- can a
 5 Profiler report be generated as per a particular borrower
 6 using their own number?
 7 MR. MCGARRY: Objection to the form.
 8 Foundation.
 9 THE WITNESS: Profiler can be accessed for a
 10 particular customer by loan number, yes. Again, the
 11 ability to export, query, or report off that, I'm not
 12 sure.
 13 Q. BY MR. BROWN: But you can make inquiries of
 14 Profiler using a borrower's loan number?
 15 A. Yes.
 16 Q. For specific data? A car payment?
 17 A. I would be able to get that information, yes. I
 18 can't ask Profiler to filter just by car payment, if that
 19 makes sense, but I could obviously see that field and
 20 report back.
 21 Q. Could you filter as to the ultimate decision from
 22 Profiler?
 23 MR. MCGARRY: Objection to the form and
 24 foundation.
 25 THE WITNESS: I don't know. I'm sorry.

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1 MR. BROWN: It's okay.
 2 Q. BY MR. BROWN: Okay. If you would turn to
 3 page 84608, please. Working backwards on the document, if
 4 that helps you.
 5 A. Yes.
 6 Q. See a notation down at the bottom, you see the
 7 one second from the bottom? It says, "Please advise
 8 documents missing." Would you read in English what
 9 follows the word "need" and the colon.
 10 A. Are you referencing the note on 4/13?
 11 Q. Yes, I am.
 12 A. "Two most recent pay stubs and hardship affidavit
 13 with social security and date of birth on form. Fax to
 14 888-808-4814, attention Latoya."
 15 Q. Is Latoya a Bank of America employee?
 16 A. That would be my assumption.
 17 Q. Is this notation referencing the documents that
 18 Bank of America needs for a complete package?
 19 MR. MCGARRY: Objection to the form and
 20 foundation.
 21 THE WITNESS: Income validation is point in
 22 time, and I'll explain that. On 4/13 we needed pay stubs,
 23 hardship affidavit. If there were something on that pay
 24 stub, for instance, that would prompt another request for
 25 documentation. It may not be safe to say that 4/13 was

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1 Q. BY MR. BROWN: So this review that we just did
 2 supports Ms. Torrico's claim that she sent in all the
 3 documentation, does it not?
 4 MR. MCGARRY: Objection to the form and
 5 mischaracterizes the documented testimony.
 6 THE WITNESS: The notation that the appeals
 7 associate makes indicates that they agreed that she had
 8 sent all the documentation and then forwarded her file
 9 to -- for review for the HAMP program.
 10 MR. MCGARRY: Off the record.
 11 (Discussion off the record.)
 12 (Deposition Exhibit No. 5 marked for
 13 identification.)
 14 Q. BY MR. BROWN: Showing you what's been marked
 15 Exhibit 5 entitled HomeSaver Workout Notes. Do you
 16 recognize these screen prints?
 17 A. Yes.
 18 Q. What do you recognize them as?
 19 A. Notes within HomeSaver, the HomeSaver system.
 20 Q. The HomeSaver system being another database?
 21 A. Yes.
 22 Q. And the one we were looking at in Exhibit 4 was
 23 from HomeBase; correct?
 24 A. Correct.
 25 Q. Both HomeSaver and HomeBase feed into AS400;

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1 correct?
 2 A. Not in their entirety. There are notes within
 3 each that will write back to AS400. In HomeSaver's
 4 example, based on the type of note, for lack of a better
 5 term. So it's not a hundred percent match back to AS400.
 6 Q. So to get a complete picture, you would need
 7 HomeBase, HomeSaver, and AS400?
 8 MR. MCGARRY: Objection to the form.
 9 THE WITNESS: If by that you mean a full
 10 picture of notes, yes, you would need all three systems.
 11 Q. BY MR. BROWN: What distinction are you making?
 12 A. If you ask me how many systems I use to research
 13 a timeline that we spoke about earlier, it is more than
 14 three.
 15 Q. Which other ones?
 16 A. HomeBase, HomeSaver, AS400, Loss Mitigation
 17 Financials, Loss Mitigation Plan, Urban, Stewart, iPortal.
 18 Q. Anything else?
 19 A. I'm thinking. One moment please.
 20 Q. Sorry.
 21 A. Loss Mitigation Profiler, Workout Package
 22 Tracking. Without having my system in front of me, those
 23 are the systems that I recall.
 24 Q. Okay. Are any of the systems you listed mutually
 25 exclusive? In other words, if something is in Urban,

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1 would you not have to look in Stewart?
 2 A. It's dependent on the customer. There should not
 3 be a reason to have to look in both places. As matter of
 4 course, I do look in both places because it has happened
 5 that we have documents in both vendor systems for one
 6 reason or another.
 7 Q. Are there any other of the systems that you
 8 mentioned that should be one or the other?
 9 A. No, sir.
 10 Q. Is the information in Loss Mitigation Financials
 11 kept in data fields?
 12 MR. MCGARRY: Objection to the form.
 13 THE WITNESS: Yes. This is what we talked
 14 about before with the income and the expense line
 15 itemization type of activities. That is in LMF, to use
 16 the acronym. So we would be able to -- I should qualify
 17 that. I don't know if it can be queried in the way you
 18 might think of a SQL query being able to extract. But the
 19 information is there, it is in fields and available.
 20 Q. BY MR. BROWN: Is it exportable?
 21 MR. MCGARRY: Objection. Foundation.
 22 THE WITNESS: I don't know.
 23 Q. BY MR. BROWN: How about Loss Mitigation Plan?
 24 Is that in fields?
 25 A. That is also in fields, yes.

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1 Q. Loss Mitigation -- and it's in fields in the same
 2 way you talked about Loss Mitigation Financials?
 3 A. Yes.
 4 Q. How about Loss Mitigation Profiler? Is that data
 5 in fields?
 6 A. It is in fields, yes, in the same way.
 7 Q. How about Workout Tracking -- Package Tracking?
 8 Is that information in fields?
 9 A. Yes.
 10 Q. And in the same way as Loss Mitigation Financial?
 11 A. No, in that Workout Package Tracking does not
 12 include customer financial information.
 13 Q. Yes.
 14 That sounds like it's a difference in the
 15 type of data it keeps.
 16 A. Yes.
 17 Q. I'm asking about the type of fields that they
 18 are.
 19 A. Fair enough, then.
 20 Q. Are the fields the same way? They have separate,
 21 distinct fields that may be able to be exported?
 22 A. Yes.
 23 MR. MCGARRY: Objection to the form and lack
 24 of foundation.
 25 Q. BY MR. BROWN: How about iPortal? Is information

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1 in fields?
 2 A. Yes.
 3 Q. Same way, possibly exportable?
 4 MR. MCGARRY: Objection to the form.
 5 THE WITNESS: Yes.
 6 Q. BY MR. BROWN: How about Urban? Information in
 7 fields there?
 8 A. Yes.
 9 Q. Also exportable?
 10 MR. MCGARRY: Objection. Foundation.
 11 THE WITNESS: Yes.
 12 Q. BY MR. BROWN: And Stewart, is information in
 13 Stewart -- in the Stewart database in fields?
 14 A. Yes.
 15 Q. Also exportable?
 16 MR. MCGARRY: Objection. Foundation.
 17 THE WITNESS: Yes.
 18 Q. BY MR. BROWN: I think I hit them all.
 19 Let's look at Exhibit 5, turning to the back
 20 again, we'll work back to front. Now, HomeSaver workout
 21 notes appears to have information that is not included in
 22 HomeBase. Is that consistent with your understanding?
 23 A. Yes.
 24 Q. Okay. Starting at 84743, does this give a better
 25 indication of what documents were sent on May 11, 2009?

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1 A. No.
 2 MR. MCGARRY: Objection to the form.
 3 THE WITNESS: No, it does not.
 4 Q. BY MR. BROWN: I should clarify my question.
 5 That wasn't well put.
 6 In HomeBase, earlier we looked at notations
 7 from May 2009 and I believe you had said you didn't know
 8 what documents were submitted?
 9 A. Correct.
 10 Q. Does the notation here in HomeSaver, Exhibit 5,
 11 give you a better idea as to what documents were
 12 submitted?
 13 MR. MCGARRY: Same objection.
 14 MR. BROWN: I'm looking specifically at
 15 notes text, items received, workout cover letter, workout
 16 letter.
 17 MR. MCGARRY: Objection to the form and
 18 foundation.
 19 THE WITNESS: Gives me different information
 20 than I had in HomeBase. HomeBase does not have the entry
 21 from 5/11. As for content, it is no more descriptive in
 22 HomeSaver than it is in HomeBase. I know that I did
 23 receive a cover letter and a workout letter. That is
 24 vague verbiage. I don't know if that's a hardship letter
 25 from the customer or some other document. In this time

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1 frame, that was a pretty generic label for some documents,
 2 so ...
 3 Q. BY MR. BROWN: So in this time frame, could that
 4 mean that the -- there were bank statements included?
 5 MR. MCGARRY: Objection. Foundation.
 6 THE WITNESS: No.
 7 MR. BROWN: Okay.
 8 THE WITNESS: The confusion you're reading
 9 honestly on my face is whether or not this was an incoming
 10 or outgoing letter. Workout letter can be used for an
 11 incoming document from the customer that is, in fact, a
 12 letter. This was also the time frame, you'll remember me
 13 saying, that we did not have upload capability in iPortal,
 14 so we were faxing information to be uploaded to iPortal,
 15 so this could have been something we sent. Without being
 16 able to see the imaging system itself, I cannot tell you
 17 whether it was incoming or outgoing.
 18 Q. BY MR. BROWN: Sent to whom?
 19 A. The borrower.
 20 Q. So when it says "Items received: Workout cover
 21 letter, workout letter," that doesn't -- it implies to me
 22 that these were items that were received. Do you have an
 23 different understanding?
 24 A. No. I -- I have a picky understanding, and I
 25 apologize. Again, without the ability for an associate at

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1 the desktop to upload to iPortal, they were responsible
 2 for faxing documents to, frankly, the India team, the
 3 India team having upload capabilities within iPortal.
 4 Q. I'm sorry. I'm going to interrupt you. What's
 5 "the India team"?
 6 A. The team in India that works --
 7 Q. India the country?
 8 A. India the country, I'm sorry, that works
 9 overnight specifically ingesting documents. It's a very
 10 clerical-type function, so that's an offshore play that
 11 we've made.
 12 And I know I'm splitting hairs, and I
 13 apologize, but what this says to me is that the India team
 14 received something that they needed to upload. What I
 15 cannot tell from this description is if they received it
 16 from the borrower or from the internal BAC associate.
 17 Q. Okay. It does tell you, however, then, that
 18 there were some documents that had to come initially from
 19 the borrower, doesn't it?
 20 A. Not necessarily. So if you recall in HomeBase,
 21 we saw that the appeals representative had to upload their
 22 screen print, their workout information. This is a very
 23 generic term for me, "workout cover letter" and "workout
 24 letter" is very generic. It -- just to be more confusing,
 25 I apologize, it also could be not related to the workout.

Exhibit 20

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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

Case No.
1:10-md-02193-RWZ

DEPOSITION OF LOURDES DUARTE

May 23, 2012

9:10 a.m.

15250 Ventura Boulevard, Suite 410

Sherman Oaks, California

REPORTED BY:

Jean F. Holliday

CSR No. 4535, CRR

Page 1

1 Q. And reporting group, is that a group of people?
2 A. I have one contact.
3 Q. Who is that contact?
4 A. I don't remember his name. He's from India so
5 it's hard to remember. I think it's Shaanghi or
6 Saanghi.
7 Q. Is this person located in India?
8 A. I don't know.
9 Q. Have you ever met this person in person?
10 A. No.
11 Q. Now, I gave you a specific example. How about
12 if you were asked to create a table with the addresses,
13 outstanding principal balances and whether or not the
14 person is late, for all people within a particular
15 state, would you know how to query the system to find
16 that information?
17 MR. BROOKS BROWN: Objection as to the form.
18 THE WITNESS: Which system?
19 BY MR. ARI BROWN:
20 Q. AS400.
21 MR. BROOKS BROWN: Same objection.
22 THE WITNESS: The information I need to
23 retrieve is unpaid principal balance, paid through date,
24 and what else?
25 ///

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1 BY MR. ARI BROWN:
2 Q. Geographic location.
3 A. And in the specific state. Because of the
4 amount of loans that could be involved, I would have to
5 reach out to the AS400 data reporting group.
6 Q. How many data reporting groups do you have to
7 reach out to to -- well, let me -- let me rephrase that.
8 You said you have to reach out to the AS400
9 reporting group. Are there other reporting groups you
10 can reach out to?
11 A. For this specific information that --
12 Q. No. Just in general.
13 A. It all depends what information I need to get.
14 Q. I know. Just in general are there other
15 options at your disposal in terms of reporting groups?
16 A. And again, it all depends on what information
17 we need to get. That's information that I can pull from
18 AS400.
19 Q. What about information --
20 A. So I would go to the AS400 data keepers.
21 Q. What about information you had to pull out of
22 HomeBase?
23 A. HomeBase it's a more complicated system because
24 HomeBase, although it has fields, it also have a lot of
25 information in their comments section that can't be --

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1 that has to be reviewed in order to make an assessment
2 or evaluate the loan or see it, or see what's really
3 happening. It's not a system that it's only feed of
4 fields.
5 Q. Is it your understanding that you cannot search
6 within comments in HomeBase?
7 A. I'm sorry. What?
8 Q. Is it your understanding that you cannot search
9 in comments within HomeBase?
10 A. I can search in comments. What I mentioned was
11 it's a more complex database where the information is
12 not only in fields but it's also in a lot of the
13 comments section. A lot of the information on the loans
14 in HomeBase, HomeSaver is saved in their comments.
15 Q. I understand. What I'm asking is those
16 comments fields, is it your understanding that you
17 cannot create an automatic search to search for data
18 within comments?
19 MR. BROOKS BROWN: Objection as to the form.
20 THE WITNESS: You would have to read the full
21 comments to get --
22 BY MR. ARI BROWN:
23 Q. It's a simple question.
24 A. -- to get the information from the loan.
25 Q. Let me ask you this way: Have you received any

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1 training on how to do an automated search of the
2 comments fields within HomeSaver?
3 MR. BROOKS BROWN: Objection as to the form.
4 BY MR. ARI BROWN:
5 Q. Within AS400, have you received training as to
6 that?
7 MR. BROOKS BROWN: Same objections.
8 THE WITNESS: No, I have not.
9 BY MR. ARI BROWN:
10 Q. Do you have any experience in doing computer
11 searches, automated searches of the comments fields
12 within HomeBase?
13 MR. BROOKS BROWN: Objection as to the form.
14 THE WITNESS: I'm trying to understand your
15 question on how the comment transforms into data. A
16 comment, because it could be so different and varies
17 comment from comment, it's -- you can't -- I can't
18 search for let's say a word "document," and would give
19 me a full understanding of the loan. The comment
20 section is not just a field that is exact. It's not a
21 loan number. It's not an unpaid principal balance.
22 It's not a paid through date. The comment section there
23 is several comments fed by several people that work on
24 the loan.
25 ///

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Lourdes Duarte

1 BY MR. ARI BROWN:
2 Q. And just so I understand your testimony, are
3 you saying that you personally cannot search the
4 comments field for the word "document," or that nobody
5 can search the comments field for the word "document"?
6 MR. BROOKS BROWN: Objection as to the form.
7 THE WITNESS: I said that that would not give
8 me an understanding of the loan. I said that searching
9 by a word that would be data does not give me
10 information on a loan.
11 BY MR. ARI BROWN:
12 Q. Okay. I'd ask you to please listen to my
13 question because you're not answering it. So when I say
14 "data" I mean any word, any word can be data. But let's
15 take the word that is in a comment field. The example
16 you gave was the word "document." I believe you said
17 that you cannot search HomeSaver or HomeBase to find all
18 the occurrences of the word "document" in the comments
19 field; is that right?
20 A. I don't think I said that. We can go back.
21 Q. Okay. Can you?
22 A. We can.
23 Q. You can?
24 A. I can look for the word "document" and find all
25 the "document" words in HomeBase or in one specific loan

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1 on an automated basis?
2 MR. BROOKS BROWN: Objection as to the form.
3 THE WITNESS: And like I said, the way I work
4 HomeBase it's never automated.
5 BY MR. ARI BROWN:
6 Q. I understand. Do you know how to do it?
7 MR. BROOKS BROWN: Objection as to the form.
8 THE WITNESS: I could search for one word.
9 BY MR. ARI BROWN:
10 Q. But you don't do it?
11 A. I haven't needed to.
12 Q. Okay. Have you received any training on how to
13 search for data in the Loss Mitigation Financials
14 database?
15 A. I don't work on that database.
16 Q. Have you received any training on how to search
17 for information in the Loss Mitigation Portal?
18 A. Which one is the Loss Mitigation Portal?
19 Q. It's commonly known as LMP. Have you received
20 any training on how to search for information within
21 LMP?
22 A. I don't think we've been trained, no.
23 Q. What's that?
24 A. I don't think we've been trained.
25 Q. Okay. And you have no experience working with

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1 that that word was, you know, written. My -- and I
2 guess my point here was that that -- that searching a
3 word doesn't give me a full understanding of the loan.
4 Q. I understand that and we are going to -- you're
5 going to have to stop repeating the end result. I'm
6 asking you a specific question. I'm not asking you as
7 to whether you can understand the loan by querying the
8 comments field. I am asking you simply mechanically do
9 you know how to query the comments field on an automated
10 basis?

1 that database?
2 A. LMP is -- the way I've worked through it is a
3 partition on l-portal.
4 Q. And have you had any training on how to query
5 information from LMP?
6 A. No.
7 Q. Have you received any training on how to query
8 information from Loss Mitigation Profiler?
9 A. No.
10 Q. Have you received any training on how to query

11 MR. BROOKS BROWN: Objection as to the form.
12 THE WITNESS: Well, that sounds like a

11 information from Workout Package Tracking?
12 A. Excuse me. Just for the record, I don't work

13 different question, so --
14 BY MR. ARI BROWN:
15 Q. Okay. Well, please answer it.
16 A. So what was your question again?
17 Q. My question is do you know how to query the
18 comments field for a particular word or string of words
19 on an automated basis?
20 MR. BROOKS BROWN: Objection as to the form.
21 THE WITNESS: The way I've been -- or the way I
22 work HomeBase is never automated.
23 BY MR. ARI BROWN:
24 Q. Okay. I'm asking do you know how to query the
25 comments field for a particular word or strings of word

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13 in the loss mitigation department, so I have not
14 received the training specifically, but I think you're
15 asking, you know, for specifics of the loss mit that I'm
16 not fully familiar with.
17 Q. I'm asking for your familiarity with these
18 particular databases. Have you received any training
19 with the databases I've mentioned?
20 MR. BROOKS BROWN: Objection as to the form.
21 THE WITNESS: I think I answered one by one.
22 BY MR. ARI BROWN:
23 Q. Okay. Have you received any training for
24 querying information from the Workout Model?
25 MR. BROOKS BROWN: Objection as to the form.

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1 THE WITNESS: I don't think so.
2 BY MR. ARI BROWN:
3 Q. Have you received any training for querying
4 information from Loan Modification Application,
5 otherwise known as LMA?
6 MR. BROOKS BROWN: Objection as to the form.
7 THE WITNESS: I don't think so.
8 BY MR. ARI BROWN:
9 Q. You said you don't think so?
10 A. Yeah.
11 Q. Have you received any training on how to query
12 information from Urban Portal?
13 A. No.
14 Q. Have you received any training on how to query
15 information from Stewart Portal?
16 A. No.
17 Q. Have you received any training on how to query
18 information from I-portal?
19 MR. BROOKS BROWN: Objection as to the form.
20 THE WITNESS: I -- I work with I-portal on a
21 daily basis.
22 BY MR. ARI BROWN:
23 Q. Have you received training on how to query
24 information out of I-portal?
25 MR. BROOKS BROWN: Objection as to the form.
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1 THE WITNESS: Again, with I-portal we enter
2 loan by loan.
3 BY MR. ARI BROWN:
4 Q. That's -- please listen to what I'm asking.
5 Have you received any training on how to query
6 information out of I-portal?
7 A. I don't think we've received formal training.
8 Q. Have you received informal training?
9 A. What do you exactly mean by querying
10 information out of I-portal?
11 Q. Input -- inputting information into a computer
12 that you are searching for and finding the instances on
13 which it occurs in I-portal.
14 A. I'm sorry. I still don't understand your
15 question.
16 Q. Let's ask this way: What training have you
17 received on how to retrieve information from I-portal?
18 A. We've received basic training on how to
19 retrieve the needed information from I-portal.
20 Q. Just basic training, like surfing and --
21 A. No. I-portal is different because I-portal is
22 a database that keeps documents and records.
23 Q. Okay.
24 A. So we pull those documents or records as
25 needed.
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1 Q. And is it your testimony that I-portal has no
2 information other than the images of documents or
3 records?
4 MR. BROOKS BROWN: Objection as to the form.
5 THE WITNESS: The partitions of I-portal that I
6 have accessed are documents, imaging of documents.
7 BY MR. ARI BROWN:
8 Q. And so you have -- you do not have access --
9 let me ask -- sorry.
10 Do you have access to any other facets of
11 I-portal other than the images of documents?
12 A. There are several partitions in I-portal. I
13 can only attest to the ones that I -- that I work with.
14 Q. Okay.
15 A. I don't know if there are any more out there.
16 Q. Again, please listen to the question. Do you
17 have access to any other portions of I-portal other than
18 the images of documents?
19 A. I don't think so.
20 Before we read that can I have a quick break?
21 Q. Absolutely.
22 A. Thank you.
23 (Recess)
24 BY MR. ARI BROWN:
25 Q. Ms. Duarte, do you have any formal education in
Page 44

1 computer programming?
2 A. No.
3 Q. Have you had any training in SQL?
4 A. No.
5 Q. Have you had any training in any kind of
6 computer programming?
7 A. No, not programming.
8 Q. Okay. Do you have any formal education in
9 database management?
10 A. No.
11 Q. Where did you go to college?
12 A. I went to school in Peru.
13 Q. What kind of school?
14 A. I went to law school in Peru.
15 Q. Was that -- in Peru is that an undergraduate or
16 graduate degree?
17 A. It's a graduate degree.
18 Q. Did you complete it?
19 A. Yes, I did.
20 Q. Did you pass the equivalent of a Bar exam?
21 A. No. We don't have a Bar exam. We have a --
22 you get a -- go through a thesis or show two files.
23 present two files.
24 Q. Did you complete that?
25 A. No, I didn't.
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1 way for us to produce a reporting as it was requested.
2 Q. You have no firsthand knowledge -- well, let me
3 ask you this: You have no training in writing SQL
4 queries; correct?
5 MR. BROOKS BROWN: Objection as to the form.
6 BY MR. ARI BROWN:
7 Q. I believe you testified to that earlier?
8 A. I said no. Yes.
9 Q. And you don't -- you don't regularly generate
10 queries on your own; correct?
11 MR. BROOKS BROWN: Objection as to the form.
12 THE WITNESS: That's not part of my job.
13 BY MR. ARI BROWN:
14 Q. So that you don't usually -- I don't care why.
15 Do you or do you not regularly create queries on your
16 own?
17 A. I don't usually do.
18 Q. Okay. Do you even -- do you know how to write
19 a Boolean query?
20 MR. BROOKS BROWN: Objection as to the form.
21 THE WITNESS: I'm not a technology person.
22 BY MR. ARI BROWN:
23 Q. Do you know how to write a boolean query for
24 AS400?
25 A. No.

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1 Q. Do you know how to write an SQL query for
2 AS400?
3 A. No.
4 Q. So when you want to determine whether an SQL
5 query can be written for AS400, you have to ask someone
6 else; right?
7 MR. BROOKS BROWN: Objection as to the form.
8 THE WITNESS: When I need a report from AS400 I
9 need to ask somebody else.
10 BY MR. ARI BROWN:
11 Q. Okay. And in determining that -- and I think
12 you said no query could be written for topics -- for the
13 topics listed in Paragraph 4. You don't know that
14 firsthand, do you?
15 A. I said to my knowledge I don't know.
16 Q. Right.
17 A. To my knowledge there is no query that could be
18 written.
19 Q. Okay. To your knowledge, based on your
20 background and your training and your education, no
21 query that you know of could be written to answer the
22 topics in Paragraph 4; correct?
23 MR. BROOKS BROWN: Objection as to the form.
24 THE WITNESS: On the use of the systems on a
25 daily day basis, I know how the system works.

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1 MR. BROOKS BROWN: When you get to a natural
2 stopping point I'd like a break.
3 BY MR. ARI BROWN:
4 Q. Have you seen IR-2 data that is uploaded to the
5 IR-2 system?
6 MR. BROOKS BROWN: Objection as to the form.
7 THE WITNESS: No, I have not.
8 BY MR. ARI BROWN:
9 Q. Have you worked with the IR-2 system?
10 A. Not -- I don't think so.
11 Q. Do you have an understanding of how data is
12 uploaded to the IR-2 system?
13 A. No, I don't think so.
14 Q. Okay. If I told you the topic 4, category 4,
15 date and terms of the HAMP TPP, do you see that?
16 A. Which one? I'm sorry.
17 Q. Paragraph 4, category 4.
18 A. Okay.
19 Q. Do you know whether the date and terms of HAMP
20 TPP are regularly uploaded to the IR-2 system for
21 thousands of loans at a single time?
22 A. No, I don't know.
23 Q. Do you know whether that's done actually on a
24 regular basis?
25 A. That's not -- I don't know.

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1 Q. Okay. Is it your testimony that that is not
2 done?
3 MR. BROOKS BROWN: Objection.
4 THE WITNESS: I didn't say that. I said that's
5 not my department. That's what I was going to say.
6 BY MR. ARI BROWN:
7 Q. Okay. That's not your department.
8 In seeking -- in writing Paragraph 4, or
9 attesting to Paragraph 4, did you endeavor to find out
10 whether any of these categories were actually reported
11 to the Department of the Treasury on a regular basis?
12 MR. BROOKS BROWN: Objection as to the form.
13 THE WITNESS: What's your question?
14 BY MR. ARI BROWN:
15 Q. Did you endeavor to determine whether any of
16 these categories of information as listed in Paragraph 4
17 were reported to the Department of the Treasury on a
18 regular basis?
19 MR. BROOKS BROWN: Same objections.
20 THE WITNESS: No, I did not.
21 BY MR. ARI BROWN:
22 Q. Okay. If indeed any of these categories were
23 reported to the Department of the Treasury using
24 automated queries, that would contradict your sworn
25 statement, would it not?

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1 category 2 could be answered on an automated basis?
 2 A. As I stated before, I reach out to several
 3 reporting groups.
 4 Q. Did you reach out -- when you reached out to
 5 several reporting groups that you cannot name -- well,
 6 I'm sorry. Can you name the reporting groups?
 7 MR. BROOKS BROWN: Objection as to the form.
 8 THE WITNESS: We have internal procedures. We
 9 have different lines of business that I contact. You
 10 want specific names that I don't remember now.
 11 BY MR. ARI BROWN:
 12 Q. Okay. So no, you can't?
 13 MR. BROOKS BROWN: Objection as to the form.
 14 THE WITNESS: I said I can't remember today.
 15 BY MR. ARI BROWN:
 16 Q. Okay. When you inquired of these unrecalled
 17 people, did you inquire specifically as to whether
 18 category 2 could be answered in an automated fashion?
 19 A. I, as I said before, I provided them the list
 20 of what was requested.
 21 Q. And what I'm asking is did you segregate
 22 category 2 -- or did you ask anybody whether category 2
 23 and nothing else could be answered in a segregated -- in
 24 an automated fashion?
 25 MR. BROOKS BROWN: Objection as to the form.

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1 THE WITNESS: I don't think I asked for it
 2 separately.
 3 BY MR. ARI BROWN:
 4 Q. You didn't ask --
 5 A. That I remember right now. I don't think so.
 6 Q. Your testimony is that you did not ask for any
 7 of the categories listed in Paragraph 4 separately?
 8 MR. BROOKS BROWN: Objection as to the form.
 9 THE WITNESS: My testimony is that I don't
 10 remember. I am not sure. I don't think I asked for
 11 this request individually or separately. I asked for it
 12 as a whole.
 13 BY MR. ARI BROWN:
 14 Q. So based on the inquiry that you did make as
 15 you recall it, do you know one way or the other whether
 16 it was an inability to do one -- to inquire as to one
 17 and only one of these categories on an automated basis
 18 that caused the answer to your inquiry to be no?
 19 MR. BROOKS BROWN: Objection as to the form.
 20 THE WITNESS: Can you ask me again?
 21 BY MR. ARI BROWN:
 22 Q. Sure. Let me try and explain what I'm getting
 23 at.
 24 A. And then can we just have a quick break, like
 25 right after?

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1 THE WITNESS: No, I did not. The request was
 2 made as a whole.
 3 BY MR. ARI BROWN:
 4 Q. Did you inquire of any reporting groups or any
 5 other technology person whether category 3, the date of
 6 HAMP application, final approval and/or denial could be
 7 queried of any database in an automated fashion?
 8 MR. BROOKS BROWN: Objection as to the form.
 9 THE WITNESS: Like I said, and if you're going
 10 to go one by one, I made a request as a whole.
 11 BY MR. ARI BROWN:
 12 Q. Okay. And I am going to go one by one unless
 13 you can answer the question directly, which is did you
 14 inquire of any technology person or any data reporting
 15 group or any person whether each of these categories
 16 standing alone could be answered on an automated fashion
 17 for 9,100 accounts?
 18 MR. BROOKS BROWN: Objection as to the form.
 19 THE WITNESS: And like I said, I made a request
 20 as a whole --
 21 BY MR. ARI BROWN:
 22 Q. Is your answer no?
 23 A. -- like it was made.
 24 Q. Is your answer to my question no?
 25 MR. BROOKS BROWN: Objection as to the form.

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1 Q. Sure. I think we've established that you asked
 2 the inquiry, whoever you asked it, only as a whole as to
 3 whether these 11 categories could be determined on an
 4 automated basis; is that correct?
 5 MR. BROOKS BROWN: Objection as to the form.
 6 THE WITNESS: That's what I remember.
 7 BY MR. ARI BROWN:
 8 Q. Okay. And you did not make an inquiry as to
 9 any single topic regarding whether it could be
 10 determined on an automated basis?
 11 A. Not that I remember right now.
 12 Q. Okay. So you have no way of knowing one way or
 13 the other whether 10 out of the 11 categories could be
 14 done, could be queried on an automated basis?
 15 A. I know from my use of the system what can be
 16 done.
 17 Q. I understand that. I am asking and I think --
 18 A. And the nature of the request.
 19 Q. I am asking simply -- strictly as to what
 20 information you got from other people who have a
 21 better -- a more extensive technological background, who
 22 know how to write SQL queries, who knew how to do
 23 boolean searches, which you do not know; correct?
 24 MR. BROOKS BROWN: Objection as to the form.
 25 THE WITNESS: I don't know how to make those

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1 queries.
 2 BY MR. ARI BROWN:
 3 Q. All right. And so I am asking strictly based
 4 on your inquiries of other people whether you have any
 5 way of knowing whether or not 10 out of the 11 topics
 6 could or could not be queried by a computer programmer?
 7 MR. BROOKS BROWN: Objection as to the form.
 8 THE WITNESS: I know from the usage of the
 9 system and the type of request -- and if it doesn't
 10 satisfy you, then I'm sorry --
 11 BY MR. ARI BROWN:
 12 Q. Well, I --
 13 A. But I know, from what the type of request here,
 14 you needed more information that had to be pulled loan
 15 by loan. That I know; that I signed; that was my
 16 declaration.
 17 Q. Okay. I understand that, but I'd like you to
 18 still -- the reason we're here -- I understand what you
 19 said in your declaration, but we're here to answer
 20 questions that go beyond it. So the question you just
 21 answered is not the question I asked. The question I
 22 asked was --
 23 Would you please read it back?
 24 (Record read as follows:
 25 "QUESTION: And so I am asking strictly

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1 based on your inquiries of other people
 2 whether you have any way of knowing
 3 whether or not 10 out of the 11 topics
 4 could or could not be queried by a
 5 computer programmer?")
 6 MR. BROOKS BROWN: Same objection.
 7 THE WITNESS: From my communication from other
 8 people the response was you can't.
 9 BY MR. ARI BROWN:
 10 Q. And the response was to your question which
 11 asked it solely as a whole; correct?
 12 A. That's what I remember.
 13 Q. Okay. So and the answer was a yes-or-no
 14 question; correct, can this be done or can it not be
 15 done?
 16 MR. BROOKS BROWN: Objection as to the form.
 17 THE WITNESS: Yes, I think so, that was the
 18 question.
 19 BY MR. ARI BROWN:
 20 Q. Did you ask any reporting groups or any
 21 technological -- technology-savvy person which of these
 22 categories could be queried on an automated basis?
 23 MR. BROOKS BROWN: Objection as to the form.
 24 THE WITNESS: I don't think so, as I remember
 25 right now.

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1 BY MR. ARI BROWN:
 2 Q. Did you ask any reporting group or any
 3 technologically savvy person how many of these 11
 4 categories could be queried on an automated basis?
 5 MR. BROOKS BROWN: Objection as to the form.
 6 THE WITNESS: I don't think I made that
 7 question.
 8 BY MR. ARI BROWN:
 9 Q. And so when you say it cannot be done -- well,
 10 strike that.
 11 In looking at these bullet points I see you
 12 reference HomeSaver, HomeBase, AS400, and CIWI. Did you
 13 try and determine whether the categories listed in
 14 Paragraph 4 could be answered on an automated basis from
 15 any other database?
 16 MR. BROOKS BROWN: Objection as to the form.
 17 THE WITNESS: What do you mean "from any other
 18 database"?
 19 BY MR. ARI BROWN:
 20 Q. Did you inquire as to whether the categories
 21 listed in Paragraph 4 could be determined from the Loss
 22 Mitigation Financials?
 23 A. I reached out to the loss mitigation group at
 24 that time.
 25 Q. And did you inquire which, if any, of the

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1 categories listed in Paragraph 4 could be answered using
 2 Loss Mitigation Financials?
 3 A. I don't think I asked that specific question.
 4 Q. I'm sorry. I didn't catch that. Was your
 5 answer no?
 6 A. I said I don't think I asked that specific
 7 question.
 8 Q. Okay. So you did not inquire as to whether any
 9 of the categories listed in Paragraph 4 could be
 10 determined using Loss Mitigation Financials?
 11 MR. BROOKS BROWN: Objection as to the form.
 12 THE WITNESS: Yeah, I don't think I asked that
 13 question.
 14 BY MR. ARI BROWN:
 15 Q. Did you inquire as to whether any of the
 16 categories listed in Paragraph 4 could be determined --
 17 A. And I'm sorry. Can I really have a break? I
 18 was going to ask you for one like 30 minutes ago.
 19 Q. Okay. Let me just finish this question.
 20 A. Okay. I think I did ask.
 21 Q. Did you inquire as to whether any of the
 22 categories of information listed in Paragraph 4 could be
 23 determined using Loss Mitigation Portal?
 24 A. I don't think that I asked that specific
 25 question either.

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1 MR. ARI BROWN: All right. Why don't we take a
 2 break.
 3 THE WITNESS: Thank you.
 4 (Recess)
 5 BY MR. ARI BROWN:
 6 Q. Ms. Duarte, in coming -- in attesting to
 7 statements listed in Exhibit 1 did you inquire as to
 8 anybody whether Loss Mitigation Profiler could be used
 9 to answer any of the categories listed in Paragraph 4 on
 10 an automated basis?
 11 A. I don't think I asked that specific question.
 12 Q. Did you ask anybody who works with Loss
 13 Mitigation Profiler whether any of the topics in
 14 Paragraph 4 could be answered on an automated basis?
 15 A. I reach out to HRD.
 16 Q. And did you ask whether Loss Mitigation
 17 Profiler could be used to answer any of the categories
 18 in Paragraph 4 on an automated basis?
 19 MR. BROOKS BROWN: Objection as to the form.
 20 THE WITNESS: I did not ask that specific
 21 question.
 22 BY MR. ARI BROWN:
 23 Q. Okay. Did you ask anybody whether Workout
 24 Package Tracking could be used to answer any of the
 25 categories listed in paragraph Number 4 on an automated
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1 as to whether Loss Mitigation Profiler contains fields?
 2 A. I don't work with that system.
 3 Q. So do you have any knowledge as to whether it
 4 contains fields?
 5 A. I don't work with it. I don't know.
 6 Q. Okay.
 7 A. I don't know.
 8 Q. Do you know one way or the other as to whether
 9 the fields in Loss Mitigation Profiler can be searched?
 10 A. I don't know that system.
 11 Q. Okay. So the answer is no, you don't know one
 12 way or the other?
 13 A. I said I don't know.
 14 Q. You said you don't know that system. I'm
 15 asking you do you know one way or the other whether the
 16 fields in Loss Mitigation Profiler can be searched?
 17 A. And I said I don't know.
 18 Q. Okay. Do you know whether the fields -- the
 19 data located in fields in Loss Mitigation Profiler can
 20 be exported?
 21 MR. BROOKS BROWN: Objection as to the form.
 22 THE WITNESS: I don't know. I'm not familiar
 23 with that system.
 24 BY MR. ARI BROWN:
 25 Q. Do you know whether the fields in Workout
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1 basis?
 2 A. No.
 3 Q. Did you ask anybody whether Workout Model could
 4 be used or queried to answer any of the categories
 5 listed in Paragraph 4 on an automated basis?
 6 A. No.
 7 Q. Did you inquire of anybody whether Loan
 8 Modification Application, also known as LMA, could be
 9 used or queried to answer any of the topics listed in
 10 paragraph Number 4 on an automated basis?
 11 A. As I said before, I didn't ask specific
 12 questions for specific systems, but I did reach out to
 13 HRD.
 14 Q. And what response did you get as to whether
 15 Loan Modification Application could be used to answer
 16 any of these topics?
 17 MR. BROOKS BROWN: Objection as to the form.
 18 THE WITNESS: And I said I didn't ask that
 19 specific question.
 20 BY MR. ARI BROWN:
 21 Q. Did you get a specific answer as to whether
 22 Loan Modification Application could be used at all to
 23 answer any of these topics?
 24 A. I don't think so.
 25 Q. Do you have any knowledge one way or the other
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1 Package Tracking can be exported?
 2 MR. BROOKS BROWN: Objection as to the form.
 3 THE WITNESS: No, I don't know.
 4 BY MR. ARI BROWN:
 5 Q. Do you know -- do you know whether -- do you
 6 know whether Loss Mitigation Financial even has fields?
 7 A. No. Those are systems that I don't use.
 8 Q. So you don't know if it has fields. You don't
 9 know if it can be exported; is that correct?
 10 MR. BROOKS BROWN: Objection as to the form.
 11 THE WITNESS: I don't know those specific
 12 systems.
 13 BY MR. ARI BROWN:
 14 Q. Okay. And what I'm asking is do you know,
 15 without knowing the systems, do you know whether it has
 16 fields that can be exported?
 17 A. I don't know.
 18 Q. Did you make -- in swearing to the fact that
 19 these fields cannot be searched on an automated basis,
 20 what efforts did you make, if any, to determine whether
 21 data from Loss Mitigation Financials could be exported
 22 and then searched?
 23 MR. BROOKS BROWN: Objection as to the form.
 24 THE WITNESS: I reach out to the Home Retention
 25 Department.
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1 BY MR. ARI BROWN:
2 Q. In what form did you reach out to the Home
3 Retention Department?
4 A. I don't remember.
5 Q. Okay. Who did you reach out to in Home
6 Retention Department?
7 A. I probably reached out to several people.
8 Q. Who?
9 A. I have several contacts. It could be -- I
10 don't remember exactly who I reached out to, but I know
11 I did reach out to them.
12 Q. How many people from Home Retention Department
13 did you reach out to?
14 A. I don't remember.
15 Q. You signed this declaration on the 29th of
16 December, 2011. How long before the 29th of December,
17 2011, did you reach out to Home -- the Home Retention
18 Department?
19 A. For the specific declaration? Or for other
20 reasons?
21 Q. For this declaration.
22 A. For this specific declaration, I don't remember
23 exactly when.
24 Q. How long before December 29th, 2011 did you
25 start work researching the facts attested in this

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1 Q. Did you search -- have you been asked to search
2 to see whether you have sent an e-mail to HRD regarding
3 whether it was possible to use certain databases to
4 answer the topics in Paragraph 4?
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1 declaration?
2 A. I don't remember exactly the date.
3 Q. Was it weeks before?
4 A. Probably days, a few days.
5 Q. Was it less than a week?
6 A. I'm not certain.
7 Q. Less than a month?
8 A. Less than a month, yes.
9 Q. Probably sometime around a week?
10 A. I don't really remember how many days it took
11 me.
12 Q. And how did you reach out to the Home Retention
13 Division -- I'm sorry, Home Retention Department?
14 MR. BROOKS BROWN: Objection as to the form.
15 THE WITNESS: I usually communicate via my
16 communicator, my Instant Messaging or by e-mail or by
17 phone.
18 BY MR. ARI BROWN:
19 Q. You say that's how you usually communicate.
20 How did you communicate your inquiry as to whether
21 certain databases could be used to query the topics
22 listed in Paragraph 4?
23 A. I don't remember exactly which method I used.
24 Q. Is it possible you sent them an e-mail?
25 A. It's a possibility.

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1 create a query or run a query that would answer
2 questions as to the various fields here, such as what is
3 the principal balance on a particular date?
4 MR. BROOKS BROWN: Objection as to the form.
5 THE WITNESS: I'm not sure what you're asking
6 me.
7 BY MR. ARI BROWN:
8 Q. Do you know how to write a query that would ask
9 what the principal balance was for a particular date
10 from AS400 for thousands of borrowers?
11 A. I think we established that I don't write
12 queries.
13 Q. And you don't know how?
14 MR. BROOKS BROWN: Objection as to the form.
15 THE WITNESS: I don't do it.
16 BY MR. ARI BROWN:
17 Q. And you don't know how?
18 MR. BROOKS BROWN: Same objection.
19 THE WITNESS: No, I don't.
20 BY MR. ARI BROWN:
21 Q. Okay. And so on what basis do you say that the
22 loan history here is not searchable on an automated
23 basis?
24 MR. BROOKS BROWN: Objection as to the form.
25 THE WITNESS: What are you asking me? Where

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1 THE WITNESS: My testimony was that the request
2 that was made was not possible in a lump sum. It had to
3 be done loan by loan.
4 BY MR. ARI BROWN:
5 Q. You just -- you almost answered the question,
6 but when you said "lump sum" you went back to the full
7 scope of the 11 topics, I think. Is it your testimony
8 that Number 4, topic Number 4, that a computer
9 programmer could not write a query of the AS400 payment
10 history to determine the answer to category Number 4?
11 MR. BROOKS BROWN: Objection as to the form.
12 THE WITNESS: I don't know what a computer
13 programmer is so capable of.
14 BY MR. ARI BROWN:
15 Q. Okay. You don't know what a computer
16 programmer is capable of. You are not a computer
17 programmer; correct?
18 A. No, I'm not.
19 Q. Okay. And so you do not know one way or the
20 other what a computer programmer is capable of in terms
21 of querying through AS400; correct?
22 A. I don't know how far a computer programmer
23 could go.
24 Q. Okay. So when you made the statement you made
25 in your declaration that this query could not be done on

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1 did I --
2 BY MR. ARI BROWN:
3 Q. Don't worry why I'm asking you. I'm asking you
4 on what basis --
5 A. I said what are you asking me? I'm sorry.
6 Q. On what basis do you say that payment history
7 cannot be queried from AS400 on an automated basis?
8 A. In my testimony I said that -- and can I go
9 back to the declaration, please? Thank you. On
10 Paragraph 4, Number 2 it says, "Payment history from
11 date of delinquency or date of HAMP Trial Period Plan,
12 TPP, application, whichever is earlier."
13 Q. Uh-huh.
14 A. So what I said in my declaration, I repeat it
15 today, was that that specific request to determine and
16 gather the information of the payment history breakdown
17 by the date of delinquency or the date of HAMP,
18 whichever is earlier, that also had to be done manually
19 because of these specifics that they were asking.
20 You're asking me a different question right now.
21 Q. I'm asking you don't know -- you just don't
22 have the background to -- is it your testimony that a
23 computer programmer could not write that query of AS400,
24 is that your testimony?
25 MR. BROOKS BROWN: Objection as to the form.

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1 an automated basis, you meant you could not do this
2 query on an automated basis, not a computer programmer
3 could not do this query on an automated basis?
4 MR. BROOKS BROWN: Objection as to the form,
5 and it mischaracterizes the declaration.
6 THE WITNESS: When I made this declaration I
7 said, after reaching out to our data reporting people,
8 that it was not possible to be made the way it was
9 requested.
10 BY MR. ARI BROWN:
11 Q. Okay.
12 A. If you're asking to pull simply one number,
13 that's different.
14 Q. I understand. But you don't know -- well,
15 okay.
16 88134, please.
17 A. Okay.
18 Q. Okay. On January 9th, the first entry on
19 January 9th, 2011, do you see where it says, "Uploaded
20 documents in I-portal for viewing"?
21 A. Okay, yes.
22 Q. Is it your testimony that a query could be
23 written or could not be written that would determine the
24 date on which documents were uploaded in I-portal for
25 viewing?

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1 MR. BROOKS BROWN: Objection as to the form.
 2 THE WITNESS: I'm sorry. What did you say?
 3 BY MR. ARI BROWN:
 4 Q. Is it your testimony that a programmer could
 5 not write a query that would determine on which date
 6 documents were uploaded in I-portal for viewing?
 7 MR. BROOKS BROWN: Same objections.
 8 THE WITNESS: I don't think I've said that.
 9 BY MR. ARI BROWN:
 10 Q. I'm asking now, is it your testimony that a
 11 computer programmer could not write an inquiry -- could
 12 not write a query that would determine which date or
 13 dates documents were uploaded in I-portal for viewing
 14 based on AS400 records?
 15 MR. BROOKS BROWN: Same objections.
 16 THE WITNESS: Like I said, I don't know how far
 17 a computer programmer can go.
 18 BY MR. ARI BROWN:
 19 Q. Okay. So you don't know one way or the other
 20 whether a programmer could write a query that would
 21 adequately answer the dates on which documents were
 22 uploaded in I-portal?
 23 MR. BROOKS BROWN: Objection as to the form.
 24 THE WITNESS: I don't know. It is from my
 25 experience, and maybe because I'm not a technology

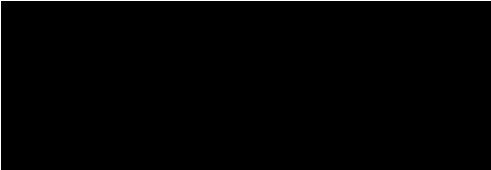
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1 person, that things and the documents that we review are
 2 always -- could be even named different. So let's say
 3 you're looking for a title policy in I-portal, it could
 4 be named "title," it could be named "title policy," it
 5 could be named "title commitment." So I'm not sure what
 6 kind of query could they create to pull the specific
 7 documents for the specific dates in I-portal.
 8 BY MR. ARI BROWN:
 9 Q. So you don't know what kind of queries someone
 10 could create, but you don't -- are you categorically

11 saying that a programmer could not write a proper query,
 12 is that what you're saying?

13 MR. BROOKS BROWN: Objection as to the form.
 14 THE WITNESS: Like I said multiple times, I
 15 don't know how far a programmer can go and what he's
 16 ultimately capable of.
 17 BY MR. ARI BROWN:
 18 Q. So you don't know whether a programmer could
 19 write a query that would search this database?
 20 MR. BROOKS BROWN: Objection as to the form.
 21 THE WITNESS: I'm not sure, no, I don't know.
 22 BY MR. ARI BROWN:
 23 Q. So when you say that it has to be done
 24 manually, you mean you or someone of your background,
 25 technological background would have to search it

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1 manually?
 2 A. I try those requests to be accurate. In order
 3 to get an accurate result, an accurate data, it has to
 4 be done manually.
 5 Q. So your testimony is that a computer programmer
 6 or someone with a better understanding of AS400 could
 7 not write a query that would allow automated searching,
 8 is that your testimony?
 9 MR. BROOKS BROWN: Objection as to the form.
 10 THE WITNESS: My testimony again is in order to
 11 have accurate data, and I repeat accurate data, has to
 12 be done manually.
 13 BY MR. ARI BROWN:
 14 
 15
 16
 17
 18
 19 Q. Would you concede that the trial period amount
 20 and the dates the payment are due is something that a
 21 programmer could inquire of AS400 on an automated basis?
 22 MR. BROOKS BROWN: Objection as to the form.
 23 THE WITNESS: Like I said, I don't know what
 24 the programmer could ultimately do. This is one
 25 comment. This is one whole.

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1 BY MR. ARI BROWN:
 2 Q. You've answered the question. Please don't --
 3 you don't need to argue with me.
 4 A. I'm not arguing.
 5 MR. BROOKS BROWN: She's trying to answer your
 6 question, Ari. Let's be fair.
 7 BY MR. ARI BROWN:
 8 Q. I just want to know, so you -- okay. Your
 9 testimony is that even this could not be queried on an
 10 automated-basis; right?

11 MR. BROOKS BROWN: Objection as to the form.
 12 THE WITNESS: I said I don't know how far a

13 programmer could go.
 14 BY MR. ARI BROWN:
 15 Q. And when you made your declaration that it
 16 would take days -- or half an hour through days to
 17 answer this query, you based it on reviewing the payment
 18 amount and the payment due dates as listed on Page 88165
 19 manually; is that right?
 20 MR. BROOKS BROWN: Objection as to the form.
 21 THE WITNESS: My declaration is based on a
 22 manual review.
 23 BY MR. ARI BROWN:
 24 Q. Okay. Solely on a manual review?
 25 MR. BROOKS BROWN: Objection as to the form.

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1 THE WITNESS: From what I recall, yes.
 2 MR. ARI BROWN: Okay.
 3 (Exhibit 4 marked)
 4 BY MR. ARI BROWN:
 5 Q. Showing you what's been marked as Exhibit 4.
 6 Do you recognize the form of this database?
 7 MR. BROOKS BROWN: Objection as to the form.
 8 THE WITNESS: No. I don't work with this
 9 database.
 10 BY MR. ARI BROWN:
 11 Q. Do you --
 12 A. Seems like something underwriting would work
 13 on.
 14 Q. Okay. Do you recognize even the form of it?
 15 MR. BROOKS BROWN: Objection as to the form.
 16 Seems weird to say that in the question.
 17 THE WITNESS: No, I don't. That's something
 18 that I don't work with.
 19 BY MR. ARI BROWN:
 20 Q. When you made your declaration -- when you
 21 signed your declaration Exhibit 1 did you consider
 22 whether this database shown in Exhibit 4 could be
 23 queried to answer some or all of the questions?
 24 MR. BROOKS BROWN: Objection as to the form.
 25 THE WITNESS: I'm sorry. What was your
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1 THE WITNESS: Unless I know the name, I can't
 2 tell you what I inquiry or not.
 3 BY MR. ARI BROWN:
 4 Q. Would you agree -- you would agree, would you
 5 not, that this database reflects the income calculations
 6 that were used?
 7 MR. BROOKS BROWN: Objection as to the form.
 8 THE WITNESS: Like I said, I'm not familiar
 9 with this document or database. I can read through it
 10 but I said I'm not familiar.
 11 BY MR. ARI BROWN:
 12 Q. I understand. And why don't you read for it --
 13 do you dispute that the principal and interest that
 14 this -- that this particular borrower, well, Deborah
 15 Gaffey had to pay is reflected in the database?
 16 MR. BROOKS BROWN: Objection as to the form.
 17 THE WITNESS: Unless I have my system open I
 18 couldn't attest that this is the amount or -- I wouldn't
 19 know.
 20 BY MR. ARI BROWN:
 21 Q. Okay. And are you saying that you do not know
 22 whether a -- based on this document, whether it
 23 reflects -- whether or not a Form 4506-T was returned?
 24 MR. BROOKS BROWN: Objection as to the form.
 25 THE WITNESS: This document it's not -- for me,
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1 question again?
 2 BY MR. ARI BROWN:
 3 Q. When you -- at the time you signed the
 4 declaration on Exhibit 1 back in December of 2011, did
 5 you inquire as to whether the database reflected in
 6 Exhibit 4 could be queried to answer some of the
 7 questions?
 8 MR. BROOKS BROWN: Objection as to the form.
 9 THE WITNESS: Things could be named differently
 10 and they could be seen differently depending on the
 11 systems. So unless you told me exactly which name this
 12 database is, I can't tell you.
 13 BY MR. ARI BROWN:
 14 Q. Do you even recognize this database?
 15 A. I don't --
 16 MR. BROOKS BROWN: Objection as to the form.
 17 THE WITNESS: This is a -- it's a document
 18 that's been filled out but could appear in a system
 19 differently.
 20 BY MR. ARI BROWN:
 21 Q. So when claiming that the review had to be
 22 manual in order to answer the categories in Exhibit 4,
 23 did you even consult as to whether this database
 24 reflected in Exhibit 4 could even be used?
 25 MR. BROOKS BROWN: Objection as to the form.
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1 okay, it's not a set document. It has fields that could
 2 be removed, deleted. The way I see it I could delete
 3 anything and even change the loan number. For what I
 4 know that's not even the loan number.
 5 BY MR. ARI BROWN:
 6 Q. Sure.
 7 A. So they could click and not click. This is not
 8 a document that I could base on.
 9 Q. I see.
 10 A. When you show me --
 11 Q. So you do not --
 12 MR. BROOKS BROWN: Go ahead and finish with
 13 your answer.
 14 BY MR. ARI BROWN:
 15 Q. Go ahead.
 16 A. When you show me AS400, those are set -- that
 17 information is set. It's not an open fields that could
 18 be changed. So I can't really confirm what's in this
 19 document.
 20 Q. Okay. So we established that you cannot trust
 21 the integrity of the information in this document, is
 22 that what you're saying?
 23 MR. BROOKS BROWN: Objection.
 24 BY MR. ARI BROWN:
 25 Q. Fields can be changed. You don't even know if
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