

MAINE DISTRICT COURT, DISTRICT NINE
DIVISION OF NORTHERN CUMBERLAND

- - -

FEDERAL NATIONAL :
MORTGAGE ASSOCIATION : DOCKET NO.
Plaintiff : BRI-RE-09-65
:
V. :
:
NICOLE M. BRADBURY :
Defendant :
and :
GMAC MORTGAGE, LLC :
d/b/a DITECH, LLC.COM :
and BANK OF AMERICA, NA :
Parties in Interest :

- - -

June 7, 2010

- - -

Oral deposition of JEFFREY D.
STEPHAN, taken pursuant to notice, was
held at the law offices of LUNDY FLITTER
BELDECOS & BERGER, P.C., 450 N. Narberth
Avenue, Narberth, Pennsylvania 19072,
commencing at 10:10 a.m., on the above
date, before Susan B. Berkowitz, a
Registered Professional Reporter and
Notary Public in the Commonwealth of
Pennsylvania.

- - -

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1
2 APPEARANCES:
3
4 BRIAN M. FLEISCHER, ESQUIRE
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14 LAW OFFICES OF THOMAS A. COX
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19 Counsel for Defendant,
20 Nicole M. Bradbury
21
22 VIA TELEPHONE:
23 JULIA G. PITNEY, ESQUIRE
24 DRUMMOND & DRUMMOND
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JPitney@ddl.com
Counsel for GMAC and Fannie Mae

3

1
2 (Document marked Exhibit-1
3 for identification.)
4 - - -
5 (It is hereby stipulated and
6 agreed by and between counsel that
7 sealing, filing and certification
8 are waived; and that all
9 objections, except as to the form
10 of questions, be reserved until
11 the time of trial.)
12 - - -
13 JEFFREY D. STEPHAN, after
14 having been duly sworn, was
15 examined and testified as follows:
16 - - -
17 MS. PITNEY: I would like to
18 put on the record that we
19 requested a stipulation, and
20 Attorney Cox has denied our
21 request for that stipulation. And
22 that would be a stipulation that
23 this deposition transcript be used
24 for this case, FNMA versus
25 Bradbury, only.

4

1 STEPHAN
2 MR. COX: Mr. Fleischer, we
3 understand that Julia Pitney
4 represents the plaintiff in this
5 case. Who do you represent today?
6 MR. FLEISCHER: I believe
7 Ms. Pitney both represents Fannie
8 Mae and GMAC, and I am here on
9 GMAC's behalf.
10 MR. COX: GMAC is neither a
11 plaintiff nor defendant in this
12 case, so we may have some issues
13 around that, but we'll cross that
14 bridge when we get to it.
15 - - -
16 EXAMINATION
17 - - -
18 BY MR. COX:
19 Q. Mr. Stephan, for the record,
20 would you state your full name, please?
21 A. Jeffrey Stephan.
22 Q. How old are you?
23 A. I am 41, in June.
24 Q. You live in Sellersville,
25 Pennsylvania?

5

1 STEPHAN
2 A. That is correct.
3 Q. Have you had your deposition
4 taken previously?
5 A. In other cases, yes.
6 Q. How many other cases?
7 A. This will be my third time.
8 Q. What other cases were you
9 deposed in, to your recollection?
10 A. In what kind of cases?
11 Q. Well, can you remember the
12 names of the cases?
13 A. No, I don't.
14 Q. When is the last time that
15 you've had your deposition taken?
16 A. I would approximate two,
17 three months ago.
18 Q. Was that in Florida?
19 A. No. That was in New Jersey.
20 Q. That would have been in
21 2010?
22 A. Yes.
23 Q. Then you were deposed in
24 Florida in December of 2009?
25 A. That is correct.

6

1 STEPHAN
 2 Q. When was the other
 3 deposition, the third deposition?
 4 A. This one today is the third.
 5 Q. Have you testified in court
 6 as a witness before?
 7 A. No.
 8 Q. Did you review any documents
 9 to prepare for this deposition?
 10 A. Yes.
 11 Q. What documents did you
 12 review?
 13 A. I looked at the deposition
 14 that was sent to me. And I went over the
 15 Complaint with Brian.
 16 THE WITNESS: When was that,
 17 Thursday, Wednesday?
 18 MR. FLEISCHER: You're
 19 directed not to say anything with
 20 regard to what we spoke about,
 21 but, yes, you can answer to what
 22 you looked at.
 23 THE WITNESS: Yes.
 24 MS. PITNEY: I'm sorry to
 25 interrupt. I'm just having a

7

1 STEPHAN
 2 little difficulty hearing you. Is
 3 there any way to push the phone a
 4 little closer to Mr. Stephan?
 5 MR. FLEISCHER: Okay. And,
 6 Julia, let me know during the
 7 course if there's still a problem.
 8 MS. PITNEY: You were doing
 9 fine, and then it got a little
 10 fuzzy.
 11 THE WITNESS: I'll talk
 12 louder.
 13 MS. PITNEY: Thank you.
 14 BY MR. COX:
 15 Q. What deposition did you look
 16 at?
 17 A. The deposition for this
 18 case.
 19 Q. The Deposition Notice?
 20 A. Right, the Deposition
 21 Notice.
 22 Q. It was not another
 23 deposition transcript --
 24 A. No.
 25 Q. -- that you were referring

8

1 STEPHAN
 2 to?
 3 A. No.
 4 MR. FLEISCHER: Let him
 5 finish the question, and then
 6 respond, because it makes it
 7 cleaner for the transcript.
 8 THE WITNESS: Thank you.
 9 BY MR. COX:
 10 Q. What is your educational
 11 background?
 12 A. I have a four-year degree at
 13 Penn State University in liberal arts.
 14 Q. When did you go to work for
 15 GMAC?
 16 A. I began work at GMAC
 17 September 30th of '04.
 18 Q. What was your work history,
 19 in a summary form, before you went to
 20 work for GMAC?
 21 A. I have done collections and
 22 mortgage foreclosures for other
 23 companies.
 24 Q. Who have you done mortgage
 25 foreclosure work for?

9

1 STEPHAN
 2 A. ContiMortgage, Fairbanks
 3 Capital, GMAC.
 4 Q. The first one, I'm not sure
 5 about. Is that Conti, C-O-N-T-E (sic)?
 6 A. C-O-N-T-I.
 7 Q. What period of time did you
 8 work for ContiMortgage?
 9 A. I began there in '92. I
 10 believe I left there in '98.
 11 Q. What years, approximately,
 12 did you work for Fairbanks Capital?
 13 A. '98 to '04.
 14 Q. You work in the GMAC
 15 Mortgage office in Fort Washington,
 16 Pennsylvania; is that correct?
 17 A. That is correct.
 18 Q. Approximately, how many
 19 people work in that office?
 20 A. I can't estimate the number
 21 of people. I can say my department,
 22 approximately 50 to 60 people.
 23 Q. What's the name of your
 24 department?
 25 A. Foreclosures.

10

1 STEPHAN
2 Q. When you began working for
3 GMAC Mortgage in 2004, what position did
4 you begin working in?
5 A. I was a foreclosure
6 specialist.
7 Q. What kinds of duties did
8 that involve?
9 A. That involved the day-to-day
10 handling and servicing of a portfolio of
11 loans that fell into a foreclosure
12 category.
13 Q. What kinds of duties did you
14 carry out with respect to those matters?
15 MS. PITNEY: Object to form.
16 MR. COX: You have to
17 answer.
18 MS. PITNEY: You can answer
19 the question.
20 THE WITNESS: The everyday
21 servicing of the file, from
22 contacting the attorney, supplying
23 an attorney who's handling a case
24 within my portfolio with any
25 information they may need, a copy

11

1 STEPHAN
2 of documents that may be needed
3 through a fax form or e-mail form,
4 the calculation of figures for
5 judgments, reporting sale results
6 at that time, and properly
7 conveying properties to the proper
8 departments for post sale action.
9 BY MR. COX:
10 Q. How long did you hold the
11 position of foreclosure specialist?
12 A. With GMAC, three years.
13 Q. So you would have assumed a
14 new position sometime in 2007?
15 A. Yes.
16 Q. What position did you assume
17 in 2007?
18 A. I became a team lead within
19 the foreclosure department.
20 Q. What duties did you assume
21 as the team lead in the foreclosure
22 department?
23 A. At that time, GMAC
24 segregated our department into teams, and
25 I was put into place as the supervisor or

12

1 STEPHAN
2 team lead for our bidding team, which
3 would be a team of individuals who
4 calculate the bids for sales.
5 Q. Calculate the bids for sales
6 of mortgage --
7 A. Foreclosure sales.
8 MR. FLEISCHER: Again, let
9 him finish the question.
10 BY MR. COX:
11 Q. Just so I can understand it,
12 your role in that position was to help
13 GMAC calculate what it was going to bid
14 at any given foreclosure sale?
15 A. That would be correct.
16 Q. The foreclosure
17 department -- is that what it's called?
18 A. Yes.
19 Q. That has units within it?
20 A. Yes.
21 Q. And when you were doing the
22 bidding work, what unit were you a part
23 of at that time?
24 A. The bid team.
25 Q. How long did you serve on

13

1 STEPHAN
2 the bid team?
3 A. I'm going to estimate six
4 months to a year, at the most.
5 Q. Does it sound roughly
6 correct that sometime in 2008, you
7 assumed a new position?
8 A. Yes.
9 Q. What was the next position
10 that you held after working on the bid
11 team?
12 A. My present position, which
13 is the team lead of the document
14 execution team.
15 Q. Is there also a service
16 transfer unit?
17 A. Yes, there is.
18 Q. Are you the team lead of
19 that as well?
20 A. Yes, I am. That falls into
21 the document execution team.
22 Q. So I talk your language,
23 there's a foreclosure department?
24 A. Yes.
25 Q. And the subdivisions within

14

1 STEPHAN
2 that, do you call them teams or units?
3 A. Teams.
4 Q. So there's a foreclosure
5 department, and then within it are a
6 group of teams that do different
7 functions; is that correct?
8 A. That is correct.
9 Q. What does the document
10 execution team do?
11 MR. FLEISCHER: Objection as
12 to form.
13 THE WITNESS: Can you
14 rephrase that?
15 BY MR. COX:
16 Q. What are the functions of
17 the document execution team?
18 A. The functions of my document
19 execution team is, I have staff that
20 prints documents, from our computer
21 system, that are submitted from our
22 attorney network. I have staff, also, on
23 that team who prepares the documents
24 which have already received figures from
25 our attorneys. So there are completed

15

1 STEPHAN
2 documents. They fill in the blanks, they
3 stamp names. They ensure that all of the
4 notary lines are completed properly once
5 it's returned from the notary. And that
6 staff also is in charge of making sure
7 they Federal Express the document back to
8 the designated attorney within our
9 network.
10 Q. What does the service
11 transfer team do?
12 A. The service transfer team
13 receives a list of loans from our
14 transfer management team, which is
15 located in Iowa. The service transfer
16 team within foreclosure only handles
17 loans that fall into a bankruptcy or
18 foreclosure category. They prepare files
19 or CDs, and transfer them to the new
20 servicer. So they're loans that are
21 either acquired, or they're loans that
22 are being transferred to a new servicer
23 for service.
24 Q. How many employees are on
25 the document execution team?

16

1 STEPHAN
2 A. 14.
3 Q. Including yourself?
4 A. No; including me, 15.
5 Q. What training have you
6 received from GMAC to function in your
7 capacity as the team lead for the
8 document execution team?
9 MS. PITNEY: Object to form.
10 BY MR. COX:
11 Q. Let me restate the question.
12 Have you received any training from GMAC
13 to use in conjunction with your
14 performance as the team lead for the
15 document execution team?
16 A. Yes.
17 Q. What training have you
18 received?
19 A. I received side-by-side
20 training from another team lead to
21 instruct me on how to review the
22 documents when they are received from my
23 staff.
24 Q. Who was that person?
25 A. That person, at the time, I

17

1 STEPHAN
2 believe was a gentleman by the name of
3 Kenneth Ugwuadu, U-G-W-U-A-D-U. He is no
4 longer with GMAC.
5 Q. How long did that training
6 last?
7 A. Three days.
8 Q. Were there any written or
9 printed training materials or manuals
10 used as a part of that training?
11 A. No.
12 Q. Again, just so I understand
13 what your testimony was, that training
14 involved your learning how to review the
15 documents that were being processed
16 through your hands; is that correct?
17 A. That's correct.
18 Q. What were you trained to do
19 with respect to those documents by that
20 gentleman?
21 A. Basically, how to review the
22 system, which I already basically knew
23 from preparing documents in my prior
24 position before becoming a team lead. So
25 it was more or less a rehash, let's say,

18

1 STEPHAN
2 or retraining, to confirm that I was
3 looking at things correctly in the
4 system.
5 Q. When you refer to a system,
6 you're referring to a computer system?
7 A. Yes.
8 Q. Other than what you might
9 call it when you're not happy, does that
10 system have a name?
11 A. Yes. That system is called
12 **Fiserv**, F-I-S-E-R-V.
13 Q. Have you received any
14 training on how to use that system?
15 A. Yes, when I was hired.
16 Q. Are there any manuals or
17 training materials associated with your
18 training on that system?
19 A. Yes, there is.
20 Q. Do you have those manuals in
21 your possession?
22 A. Presently, no.
23 Q. Do they exist in your office
24 at GMAC?
25 A. I honestly don't know.

19

1 STEPHAN
2 Q. In your role as team lead
3 for the document execution team, do you
4 have any duties with respect to the
5 receipt, application, or counting for
6 loan payments?
7 A. No.
8 MS. PITNEY: Object to the
9 form of the question.
10 BY MR. COX:
11 Q. What department has that
12 responsibility?
13 A. To my understanding, that
14 would be customer service. And within
15 customer service, I believe there is a
16 cash unit.
17 Q. Have you ever worked in that
18 cash unit?
19 A. No.
20 Q. Have you ever worked in that
21 customer service department?
22 A. No.
23 Q. Have you ever had any
24 training in how that department and unit
25 work?

20

1 STEPHAN
2 A. No.
3 Q. In your capacity as team
4 lead for the document execution team, do
5 you have any responsibility for data
6 entry into the computer system regarding
7 payments received by GMAC?
8 A. No.
9 Q. In your capacity as the team
10 lead for the document execution team, do
11 you have any role in the foreclosure
12 process at GMAC, other than the signing
13 of documents?
14 MR. FLEISCHER: Objection as
15 to the form of the question.
16 THE WITNESS: Can you
17 rephrase?
18 BY MR. COX:
19 Q. In your capacity as the team
20 lead for the document execution team, do
21 you have any role in the foreclosure
22 process, other than the signing of
23 documents?
24 A. No.
25 Q. I'm going to hand you what

21

1 STEPHAN
2 we have marked as Deposition Exhibit
3 Number 1, which is your affidavit in this
4 case, dated August 5, 2009.
5 MS. PITNEY: Excuse me, Tom.
6 This is Julia. Am I to presume
7 that this is the only exhibit
8 you're going to be introducing?
9 Because I haven't received any
10 exhibits that you plan to produce
11 at this deposition today.
12 MR. COX: I had no idea you
13 were going to be participating
14 today, Julia.
15 MS. PITNEY: Well, I
16 represent the plaintiff. It
17 shouldn't come as any surprise.
18 MR. COX: We're not going to
19 have a debate on the record. The
20 exhibits are here. You're welcome
21 to come see them. I had no idea
22 that you were going to participate
23 in this fashion.
24 MS. PITNEY: You had no
25 idea?

22

1 STEPHAN
2 MR. COX: I'm not going to
3 have this exchange on the record
4 with you. If you want to go off
5 the record for a minute, I'll be
6 happy to do it.
7 MS. PITNEY: No, we're going
8 to stay right on the record, Tom.
9 MR. COX: That's fine.
10 MS. PITNEY: Is it your
11 intent to introduce these exhibits
12 that have not been produced to the
13 opposing party?
14 MR. COX: I'm not going to
15 respond to that. I will entertain
16 objections that you are going to
17 make. But I'm not going to
18 respond to your questions on the
19 record.
20 MS. PITNEY: I'm going to
21 object to each and every exhibit.
22 MR. COX: That's your right
23 to do that.
24 BY MR. COX:
25 Q. I've handed you Deposition

23

1 STEPHAN
2 Exhibit Number 1, Mr. Stephan. Is that a
3 document signed by you?
4 A. Yes, that is my signature.
5 Q. And that's dated August 5,
6 2009?
7 A. That is correct.
8 Q. Do you have any memory of
9 signing that document?
10 A. No, I do not.
11 MS. PITNEY: I'd like to
12 take a brief break and speak with
13 Attorney Fleischer separately.
14 There's no question pending.
15 (Whereupon, a short recess
16 was taken.)
17 MR. COX: I gather you have
18 something you want to say on the
19 record, Julia?
20 MS. PITNEY: Yes. I object
21 to not being provided copies of
22 the documents that you intend to
23 introduce in this deposition. And
24 in an effort to make things more
25 efficient, my proposal is that --

24

1 STEPHAN
2 I understand there's not a large
3 number of documents. I propose
4 that we have Attorney Fleischer
5 fax them to me, or e-mail, in
6 bulk, or we're going to have to
7 stop. I would object. And each
8 time I'm going to stop and have
9 each document sent to me.
10 MR. COX: Your objection is
11 noted.
12 MR. FLEISCHER: Why don't we
13 at least just deal with the one
14 document that's in front of us at
15 this point, which is the
16 affidavit, and then we'll address
17 each one as they come up.
18 MS. PITNEY: Fair enough.
19 BY MR. COX:
20 Q. Mr. Stephan, you've
21 testified that in addition to yourself,
22 there are 14 other employees in your
23 document execution team.
24 A. That is correct.
25 Q. You have a title of limited

25

1 STEPHAN
2 signing officer; is that correct?
3 A. That is correct.
4 Q. How long have you been a
5 limited signing officer for GMAC
6 Mortgage?
7 A. I'm going to estimate, two
8 years.
9 Q. Are there any other limited
10 signing officers among the 14 people on
11 your team?
12 A. No, not amongst my 14
13 people.
14 Q. Exhibit-1, on the bottom of
15 the first page, says: I have under my
16 custody and control the records relating
17 to the mortgage transaction referenced
18 below.
19 What records does GMAC
20 maintain with respect to mortgage
21 transactions?
22 MS. PITNEY: Object to the
23 form.
24 THE WITNESS: Please
25 rephrase.

26

1 STEPHAN
 2 BY MR. COX:
 3 Q. What records does GMAC
 4 maintain with respect to mortgage loans?
 5 A. We keep our records for the
 6 foreclosure department and the rest of
 7 the company on our Fiserv system for
 8 availability throughout our company.
 9 Q. Do paper records exist
 10 anywhere within GMAC Mortgage?
 11 A. Yes, they do.
 12 Q. Where do they exist?
 13 A. I believe they are housed
 14 either in our Iowa office or in
 15 Minnesota, or with any of our custodians
 16 involved within the company.
 17 Q. Do you have any
 18 responsibilities for making entries in
 19 the Fiserv system?
 20 A. Other than just usual notes,
 21 no.
 22 Q. What kind of usual notes do
 23 you enter?
 24 MS. PITNEY: Object. I'm
 25 objecting to the form of the

27

1 STEPHAN
 2 question. And, furthermore, I'm
 3 objecting to the extent that
 4 you're basically asking him an
 5 incredibly broad-based question
 6 here, Tom. If you want to ask him
 7 about this case and any entries he
 8 made with respect to this case,
 9 then that's fine. But your
 10 question is pretty sweeping there.
 11 BY MR. COX:
 12 Q. What is your usual business
 13 practice and routine with respect to
 14 making usual notes in the Fiserv system?
 15 A. If a customer were to call
 16 in, I would make a note in our computer
 17 system.
 18 Q. Do customers call you in
 19 your capacity as team lead for the
 20 document execution team?
 21 A. No, they do not.
 22 Q. So if that's the only kind
 23 of notes that you would make in the
 24 system, is it fair to say that you don't
 25 make notes in that system?

28

1 STEPHAN
 2 A. That would be correct.
 3 Q. And you have no role in the
 4 entry of any other data into that system;
 5 isn't that correct?
 6 A. That is correct.
 7 Q. What department maintains
 8 that system?
 9 MR. FLEISCHER: Objection as
 10 to form.
 11 BY MR. COX:
 12 Q. Do you know what department
 13 maintains that system?
 14 A. The system is used by the
 15 entire company.
 16 Q. Do you know what department
 17 maintains the security for that system?
 18 A. The IT department.
 19 Q. Where is that located?
 20 A. Throughout the entire
 21 country.
 22 Q. Do you know what department
 23 makes entries into that system?
 24 A. Numerous departments.
 25 Q. Do you know what departments

29

1 STEPHAN
 2 have the ability to change entries in
 3 that system?
 4 A. Nobody has the ability to
 5 change an entry in the system, as far as
 6 a note would go.
 7 Q. What do you mean by that?
 8 A. Such as if a customer calls
 9 in, you type in the system. Once you
 10 type it, it's entered.
 11 Q. Does GMAC keep a paper
 12 record of loan payments made by mortgage
 13 customers?
 14 A. I do not know.
 15 Q. I think you said that the
 16 cash department receives payments --
 17 customer payments; is that correct?
 18 A. To my knowledge, yes.
 19 Q. That's the department that
 20 you've said you have not worked in; is
 21 that correct?
 22 A. That is correct.
 23 Q. So you don't have firsthand
 24 knowledge about how it operates; is that
 25 correct?

30

1 STEPHAN
2 A. That is correct.
3 MS. PITNEY: Object.
4 BY MR. COX:
5 Q. Do you have any knowledge
6 about how the data relating to those
7 payments are entered into the system?
8 A. I do not have that
9 knowledge.
10 Q. Do you have any knowledge
11 about how GMAC ensures the accuracy of
12 the data entered into the system?
13 A. No, I do not.
14 Q. Do you have any knowledge as
15 to what measures GMAC takes to preserve
16 the integrity and security of the system?
17 A. No, I do not.
18 MS. PITNEY: Object to the
19 form of that question.
20 BY MR. COX:
21 Q. In your capacity as team
22 lead for the document execution team,
23 what kinds of documents do you sign?
24 A. The types of documents I
25 sign are assignments of mortgage,

31

1 STEPHAN
2 numerous types of affidavits, deeds that
3 need to be done post sale, a substitution
4 of trustees. And that covers it in a
5 general span.
6 Q. You said you sign a variety
7 of affidavits. What kinds of affidavits
8 do you sign?
9 A. I sign judgment affidavits
10 for judicial foreclosure actions. I will
11 sign an affidavit verifying military
12 duty. I sign affidavits in reference to
13 -- if GMAC has exhausted all options
14 through lost mitigation upon reviewing
15 notes in our Fiserv system. That's a
16 general description of different types
17 of affidavits.
18 Q. Your document execution team
19 provides documents for foreclosures in
20 what states?
21 A. Throughout the country.
22 Q. Are there other document
23 execution teams within the GMAC system?
24 A. I believe our bankruptcy
25 unit also has a document execution team.

32

1 STEPHAN
2 Q. That's the only other
3 document execution team that you're aware
4 of?
5 A. To my knowledge, yes.
6 Q. When you referred in one of
7 your answers a few moments ago to
8 judgment affidavits, are you referring to
9 the type of affidavit in front of you, as
10 Deposition Exhibit-1?
11 A. That is a similar type of
12 affidavit, yes. This states Affidavit in
13 Support of the Plaintiff's Motion for
14 Summary Judgment.
15 Q. Have you received any
16 training regarding the summary judgment
17 process in judicial foreclosure states?
18 A. No.
19 Q. Do you have any knowledge as
20 to what a summary judgment affidavit is
21 used for in the State of Maine?
22 MR. FLEISCHER: Objection as
23 to form.
24 BY MR. COX:
25 Q. Would you please answer the

33

1 STEPHAN
2 question?
3 A. To my knowledge, a borrower
4 would have filed a contested answer. And
5 this would be our next step within the
6 process, to confirm the amount that is
7 due to support the summary judgment.
8 Q. Do you understand how the
9 affidavit is used, that is, Deposition
10 Exhibit Number 1?
11 MS. PITNEY: Objection.
12 Tom, you're getting dangerously
13 close here to the privileged area.
14 I mean, this affidavit, in itself,
15 was prepared in preparation for
16 litigation -- in litigation; not
17 even preparation for it, but
18 during litigation.
19 MR. COX: I have not the
20 slightest interest in getting into
21 attorney/client privilege. I'll
22 rephrase the question.
23 BY MR. COX:
24 Q. Do you have any knowledge of
25 how summary judgment affidavits are used

34

1 STEPHAN
2 in judicial foreclosure states?
3 A. No.
4 Q. Are you aware that they are
5 given to a judge?
6 A. Yes.
7 Q. And do you understand that
8 the judge relies upon them?
9 A. Yes.
10 Q. At the time that you
11 executed Deposition Exhibit-1 on August
12 5, 2009, you were, at that time, in your
13 position as team lead for the document
14 execution department?
15 A. Yes.
16 Q. Has the manner in which you
17 perform your duties as the team lead for
18 the document execution department changed
19 in any way over the period from August 5,
20 2009 to the present date?
21 A. No.
22 Q. Has your job description
23 changed in any manner during that time?
24 A. I assumed the responsibility
25 at that time of also handling the service

35

1 STEPHAN
2 transfer team as an additional
3 responsibility; other than document
4 execution, no.
5 Q. In your usual business
6 practice as a team lead for the document
7 execution team, how does a summary
8 judgment affidavit come to you, such as
9 the one that is Deposition Exhibit Number
10 1?
11 MS. PITNEY: Objection.
12 Tom, if you'd like to ask him
13 about how this specific affidavit
14 came to him, that's fine. But,
15 again, you're asking way too
16 broad.
17 BY MR. COX:
18 Q. Do you know how this
19 specific affidavit got to you, Mr.
20 Stephan?
21 A. We have a process in place
22 that if our attorney network needs an
23 affidavit, they will upload it into our
24 system, which is called LPS. We have
25 another system, which is a communication

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1 STEPHAN
2 tool, between our attorneys. They load
3 it into a process called signature
4 required.
5 MS. PITNEY: Jeff, I'm going
6 to interrupt you right there. To
7 the extent that this answer or
8 anything else that you say has to
9 do with your communication between
10 you and your attorney -- GMAC and
11 its attorney, it's attorney/client
12 privilege.
13 THE WITNESS: So I won't
14 answer.
15 MR. COX: Well, let's go
16 back and ask the question again.
17 MS. PITNEY: He's answered
18 the question. He gets the
19 affidavit from the attorney.
20 BY MR. COX:
21 Q. What is the LPS system?
22 A. That is a communication tool
23 with our attorney network.
24 Q. Is LPS a separate company?
25 A. Yes.

37

1 STEPHAN
2 MS. PITNEY: Objection. The
3 means by which he communicates any
4 details about -- the means by
5 which he communicates with his
6 attorneys is privileged.
7 BY MR. COX:
8 Q. What does LPS do?
9 MS. PITNEY: I'm going to
10 object again on privilege grounds.
11 Same objection. Do not answer
12 that question.
13 THE WITNESS: Okay.
14 BY MR. COX:
15 Q. Is the source of what you
16 know about what LPS does based upon any
17 communication that you've had with
18 lawyers?
19 A. Sorry. Please rephrase
20 that. I don't understand your question.
21 Q. Do you know what LPS does
22 with respect to documents processed by
23 your unit?
24 MS. PITNEY: Objection.
25 Same objection.

38

1 STEPHAN
2 MR. COX: He can answer that
3 yes or no.
4 THE WITNESS: I still don't
5 understand what you're asking.
6 BY MR. COX:
7 Q. You've mentioned LPS.
8 A. Right.
9 Q. That's a separate company;
10 is that correct?
11 A. It's a system that we have
12 acquired from a company by the name of
13 Fidelity, in order to have communication
14 between our attorneys.
15 Q. Do you have any memory of
16 specifically receiving Deposition
17 Exhibit-1?
18 A. No.
19 Q. Again, I'm asking you, based
20 upon that, to describe what the usual
21 business practice is within your unit, as
22 far as how affidavits, such as Deposition
23 Exhibit-1, come to you.
24 A. Our attorney will load it to
25 the LPS system. Members of my team will

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1 STEPHAN
2 print it. Other members will prepare it.
3 The figures have already been loaded from
4 our network of attorneys. So my team
5 does not have any input on the affidavit,
6 other than filling in my name. They
7 bring it to me. I review it against our
8 Fiserv system, execute it, hand it back.
9 They get it notarized. It's Federal
10 Expressed back to the individual attorney
11 asking.
12 Q. Do you keep a log of any
13 sort of what documents you execute?
14 MS. PITNEY: I'm sorry. Can
15 you repeat the question, Tom? I
16 could not hear that.
17 BY MR. COX:
18 Q. Do you keep a log of any
19 sort of what documents you execute?
20 MS. PITNEY: Objection.
21 Work product. Any type of log
22 that he keeps relative to these
23 affidavits is prepared in
24 preparation for litigation; to the
25 extent that one even exists.

40

1 STEPHAN
2 MR. COX: He can answer the
3 question of whether or not he
4 keeps a log, before I ask him what
5 goes into the log.
6 MS. PITNEY: Fine.
7 THE WITNESS: No, I don't
8 have a log.
9 BY MR. COX:
10 Q. Does anybody keep a log of
11 what documents you sign?
12 MS. PITNEY: Object to the
13 form of that question.
14 THE WITNESS: Please
15 rephrase.
16 BY MR. COX:
17 Q. Do you know if anybody keeps
18 a log of what documents you execute?
19 A. We have notaries in our
20 department, approximately six, who keep a
21 log for what they notarize.
22 Q. These are notaries within
23 your department?
24 A. That is correct.
25 Q. As I understand it, the

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1 STEPHAN
2 first step is, in your department, a
3 document comes in on the LPS system from
4 the outside lawyer; is that correct?
5 A. That is correct.
6 Q. And then an employee in your
7 department prints it out; is that
8 correct?
9 A. That is correct.
10 Q. And then you said that the
11 employee prepares the document. What
12 does that mean?
13 MS. PITNEY: Objection. The
14 document is prepared for
15 litigation. It is privileged.
16 How it is prepared is privileged.
17 Do not answer that question.
18 BY MR. COX:
19 Q. Do your employees have any
20 direct communication with outside
21 counsel?
22 A. Yes, through the LPS system.
23 MS. PITNEY: Objection. How
24 and what he communicates with his
25 attorney is privileged, Tom.

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1 STEPHAN
2 MR. COX: I haven't asked
3 for the content. I asked if it
4 happens.
5 BY MR. COX:
6 Q. Would you answer the
7 question, please?
8 A. Yes, through the LPS system.
9 Q. Is anything done to a
10 document submitted to the LPS system by
11 an outside lawyer before it reaches your
12 hands?
13 MS. PITNEY: Objection.
14 Preparation of the document is
15 privileged. It's for litigation.
16 Do not answer the question.
17 BY MR. COX:
18 Q. Is the document that is
19 received in the LPS system from outside
20 counsel presented to you in exactly the
21 form that it is received in from outside
22 counsel?
23 MS. PITNEY: Objection.
24 Same objection.
25 MR. COX: Is it an

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1 STEPHAN
2 objection, or are you instructing
3 him not to answer?
4 MS. PITNEY: I'm instructing
5 him not to answer, to the extent
6 you're asking him questions about
7 a document that was prepared
8 specifically during the course of
9 litigation. It's protected by
10 privilege, and you can't ask him
11 questions about it.
12 BY MR. COX:
13 Q. Deposition Exhibit-1 has
14 your name stamped on it with a stamp; is
15 that correct?
16 A. That is correct.
17 Q. And below your name, the
18 words "limited signing officer" appear;
19 is that correct?
20 A. That is correct.
21 Q. Who puts that stamp on these
22 affidavits?
23 A. My team.
24 Q. On this particular
25 affidavit, your name and title is stamped

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1 STEPHAN
2 twice on the first page, and once on the
3 signature page for you; is that correct?
4 A. That is correct.
5 Q. And then it's stamped again
6 on the notary page; is that correct?
7 A. That is correct.
8 Q. So as I understand it, an
9 affidavit, such as Deposition Exhibit-1,
10 is initially prepared by outside counsel?
11 MS. PITNEY: Objection.
12 BY MR. COX:
13 Q. Is that correct?
14 A. Yes, that is correct.
15 Q. Does anybody on your team
16 verify the accuracy of any of the
17 contents of the affidavit before it
18 reaches your hands?
19 MS. PITNEY: Objection
20 again. How the document is
21 prepared -- you can ask him
22 questions about the document and
23 what's stated in the document.
24 The preparation of the document,
25 which is prepared for litigation,

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1 STEPHAN
2 is privileged. Do not answer the
3 question, Jeff.
4 BY MR. COX:
5 Q. Mr. Stephan, do you recall
6 testifying in your Florida deposition in
7 December, with regard to your employees,
8 and you said, quote, they do not go into
9 the system and verify the information as
10 accurate?
11 A. That is correct.
12 MS. PITNEY: I'm sorry.
13 Tom, could you please repeat what
14 you just said? I just couldn't
15 hear.
16 MR. COX: Quote: They do
17 not go into the system and verify
18 the information as accurate.
19 BY MR. COX:
20 Q. Is that correct?
21 A. That is correct.
22 MR. FLEISCHER: Tom, can you
23 reference what litigation that was
24 in, do you know?
25 MR. COX: The Florida case

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1 STEPHAN
2 that he testified in.
3 MR. FLEISCHER: I just
4 thought you might have a reference
5 there.
6 MR. COX: I'll get it
7 shortly.
8 BY MR. COX:
9 Q. Do you and your 14-person
10 team all work in the same physical space?
11 A. Yes. We're all in the same
12 department.
13 Q. Do you have an office or a
14 cubicle, or what?
15 A. Cubicle.
16 Q. Do the employees bring
17 documents to you to sign?
18 A. That is correct.
19 Q. How many do they bring to
20 you at a time, on average?
21 A. For a month, anywhere from
22 six to 8,000 documents.
23 Q. Do you recall testifying in
24 your Florida deposition in December that
25 you estimated it was 10,000 documents a

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1 STEPHAN
2 month?
3 A. I do not recall. I'm going
4 off of numbers within the past month or
5 so.
6 Q. Have those numbers gone down
7 in the past month or so?
8 A. There has been a decrease.
9 Q. Back in December, were you
10 signing in the range of 10,000 documents
11 a month?
12 A. I may have been.
13 Q. Back in August of 2009,
14 roughly, how many documents a month were
15 you signing?
16 A. I cannot estimate. I don't
17 know.
18 Q. Do you believe that it was
19 more or less than the number you were
20 signing in December?
21 A. I'm going to assume, more.
22 Q. And on a given day, I
23 understand an employee brings you a group
24 of documents for you to sign; is that
25 correct?

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1 STEPHAN
2 A. That would be correct.
3 Q. Roughly, how many are
4 brought to you in a group, on average?
5 A. Throughout a day, I believe
6 we are averaging approximately 400 new
7 requests coming in from our attorney
8 network. So I would say approximately
9 400 per day.
10 Q. This sounds very basic.
11 But, physically, are you handed a pile of
12 100 documents, 300 documents? How does
13 that work?
14 A. They bring them to me in
15 individual folders from each one of the
16 members of my team. I do not count how
17 many are in the files.
18 Q. So each team employee has a
19 folder of document; is that correct?
20 A. That is correct.
21 Q. When you receive a summary
22 judgment affidavit to be signed by you,
23 is it accompanied by any other documents
24 relating to the loan?
25 MS. PITNEY: Objection. The

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1 STEPHAN
2 document is prepared for
3 litigation. And anything he does
4 when he's preparing it is
5 privileged.
6 MR. COX: Are you telling
7 him not to answer?
8 MS. PITNEY: I am. Tom, if
9 you want to ask him about general
10 procedures, which you have been,
11 then I'm not going to object as
12 much. But if you want to ask him
13 about what goes into preparing a
14 document that was used for summary
15 judgment, that's clearly prepared
16 for litigation, and it's
17 privileged and protected.
18 MR. COX: I think you
19 haven't heard my question, Julia.
20 I'll state it again.
21 BY MR. COX:
22 Q. When you receive a summary
23 judgment document for your execution, is
24 it accompanied by any other documents?
25 MS. PITNEY: My objection is

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1 STEPHAN
2 -- you can answer that question,
3 Jeff.
4 THE WITNESS: There are
5 times when it has the Complaint
6 connected. There are times when
7 it is brought to me just as the
8 affidavit.
9 BY MR. COX:
10 Q. When you say that there are
11 times when it comes to you with a
12 Complaint connected, you mean attached as
13 an exhibit?
14 A. Such as this one, yes.
15 Q. When you say "this one,"
16 you're referring to Deposition Exhibit-1?
17 A. Yes, that is correct.
18 Q. Deposition Exhibit-1 has
19 several exhibits attached to it; is that
20 correct?
21 MS. PITNEY: Could you
22 please tell me what the exhibits
23 that are attached are, because I
24 don't have the benefit of having
25 them in front of me?

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1 STEPHAN
2 THE WITNESS: Exhibit-A is a
3 copy of the note and the --
4 MR. COX: Julia, this is
5 your summary judgment affidavit.
6 MS. PITNEY: I'm not
7 doubting that it is. I just don't
8 know what these other exhibits
9 attached are.
10 MR. COX: Don't you have
11 your copy?
12 MS. PITNEY: You're the one
13 verifying if they're the same as
14 the one I'm looking at, Tom.
15 THE WITNESS: Exhibit-B is
16 the mortgage. Exhibit-C is the
17 assignment of note and mortgage.
18 Exhibit-D -- I believe we're
19 looking at the demand, or the
20 breach letter. And those are the
21 four documents that are connected
22 to this affidavit of summary
23 judgment.
24 BY MR. COX:
25 Q. In your usual practice, are

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1 STEPHAN
2 those exhibits attached to the affidavit
3 at the time that you sign them?
4 MS. PITNEY: Objection.
5 You're asking about a document
6 that was prepared by an attorney.
7 Anything that comes with it that
8 he's asked to review is
9 privileged -- the communication
10 between a client and an attorney.
11 Do not answer the question.
12 BY MR. COX:
13 Q. Mr. Stephan, would you
14 please look at Paragraph 3 of Exhibit-1.
15 Do you see there the statement: That a
16 true and correct copy of which is
17 attached hereto is Exhibit-A?
18 A. Where are you looking?
19 Q. Paragraph 3. Do you see
20 that statement?
21 A. Yes, I do.
22 Q. When you sign an affidavit
23 such as Exhibit-1, are the exhibits
24 attached to it?
25 MS. PITNEY: Objection. A

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1 STEPHAN
2 document that's provided to him by
3 an attorney is privileged.
4 MR. COX: Are you telling
5 him not to answer that question?
6 MS. PITNEY: Yes. I'll say
7 again, Tom, if you would like to
8 ask him about the facts that are
9 in the affidavit, the details
10 about this loan -- which I might
11 remind you involves a woman by the
12 name of Nicole Bradbury -- then
13 I'm sure Jeff will answer your
14 question?
15 MR. COX: Well, he has the
16 affidavit in front of him in this
17 case. And the affidavit which he
18 swore to says a true and correct
19 copy of the note is attached to
20 it. And I'm asking him if that
21 document was attached to it at the
22 time that he signed it.
23 BY MR. COX:
24 Q. Would you please answer that
25 question?

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1 STEPHAN
2 A. To my knowledge, I do not
3 recall.
4 Q. Is it your usual business
5 practice to have exhibits attached to
6 affidavits that you sign?
7 A. Yes.
8 Q. All exhibits?
9 MS. PITNEY: Object to form.
10 THE WITNESS: I do not know.
11 BY MR. COX:
12 Q. When you sign a summary
13 judgment affidavit, do you check to see
14 if all the exhibits are attached to it?
15 A. No.
16 Q. Does anybody in your
17 department check to see if all the
18 exhibits are attached to it at the time
19 that it is presented to you for your
20 signature?
21 A. No.
22 Q. When you sign a summary
23 judgment affidavit, do you inspect any
24 exhibits attached to it?
25 A. No.

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1 STEPHAN
2 MS. PITNEY: Could you
3 repeat the question, Tom? Did you
4 say -- or can you have it read
5 back, please?
6 (Whereupon, the pertinent
7 portion of the record was read.)
8 MS. PITNEY: Object to the
9 form.
10 BY MR. COX:
11 Q. What happens to an affidavit
12 in your department after you sign it?
13 MS. PITNEY: Objection.
14 What happens to the document
15 afterwards is -- it's in the
16 course of litigation. The same
17 objection as I said before. Where
18 it goes is privileged.
19 MR. COX: Where it goes is
20 not a communication. It is not
21 privileged.
22 MS. PITNEY: You don't know
23 that.
24 MR. COX: Pardon me?
25 MS. PITNEY: You don't

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1 STEPHAN
2 necessarily know that.
3 MR. COX: The physical
4 movement of a document is not a
5 communication. It's a fact.
6 BY MR. COX:
7 Q. My question to you is, where
8 does a summary judgment go after you sign
9 it?
10 A. After I sign it, it is
11 handed back to my staff. My staff hands
12 it to a notary for notarization. It is
13 then handed back to my staff. They send
14 it back to the network attorney
15 requesting any type of affidavit.
16 Q. So you do not appear before
17 the notary; is that correct?
18 A. I do not.
19 Q. What does your staff do with
20 a summary judgment affidavit, such as
21 Deposition Exhibit-1, after it receives
22 it back from the notary?
23 A. They go into our LPS system,
24 close out process, stating it's being
25 sent back to --

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1 STEPHAN
2 MS. PITNEY: Objection.
3 Sorry. I don't mean to interrupt
4 you, Jeff. I'm going to instruct
5 you not to answer anything else,
6 because you've already testified
7 that the LPS system is the means
8 by which you communicate with your
9 attorney. The attorney/client
10 communication is privileged. So
11 don't continue to answer the
12 question.
13 Actually, if there is no
14 question, pending, I'd like to
15 take a brief break to discuss
16 something with Brian Fleischer.
17 (Whereupon, a short recess
18 was taken.)
19 BY MR. COX:
20 Q. Mr. Stephan, do you recall
21 testifying in your Florida deposition in
22 December that you rely on your attorney
23 network to ensure that the documents that
24 you receive are correct and accurate?
25 A. That is correct.

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1 STEPHAN
2 Q. And is that, in fact, the
3 case?
4 A. Yes.
5 Q. And your department does not
6 do any independent accuracy check of
7 those records; isn't that correct?
8 MR. FLEISCHER: Objection as
9 form.
10 THE WITNESS: Can you
11 rephrase?
12 BY MR. COX:
13 Q. Your department does not do
14 any independent check of the accuracy of
15 the information on the summary judgments
16 coming to you; isn't that correct?
17 A. I review, quickly, the
18 figures. Other than that, that's about
19 it.
20 Q. Do you recall testifying in
21 your Florida deposition in December, that
22 the affidavits that you sign are not
23 based upon your own personal knowledge?
24 A. I do not recall.
25 MS. PITNEY: Objection to

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1 STEPHAN
2 the form.
3 BY MR. COX:
4 Q. You do not recall that?
5 A. I do not recall.
6 Q. When you receive a summary
7 judgment affidavit from one of your staff
8 members, what do you do with it?
9 A. I will first review it
10 against our computer system, which is
11 Fiserv, in general terms, to verify that
12 the figures are correct. And then I will
13 execute it and hand it back to my staff
14 to have it notarized.
15 Q. You say "in general terms"
16 you review it. What do you mean?
17 MS. PITNEY: Objection.
18 THE WITNESS: I compare the
19 principal balance. I review the
20 interests. I take a look at the
21 late charges. I look at the
22 outstanding escrow amounts. When
23 I say "general terms," I mean I'm
24 not looking at the escrow and
25 breaking it down to the penny.

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1 STEPHAN
2 I'm saying, yes, it looks correct
3 in my computer system.
4 BY MR. COX:
5 Q. Is there anything else that
6 you look at in your computer system when
7 you're signing a summary judgment
8 affidavit?
9 MS. PITNEY: I'm sorry. I
10 couldn't hear the last part of
11 that.
12 BY MR. COX:
13 Q. Is there anything else that
14 you look at in your computer system at
15 the time that you sign a summary judgment
16 affidavit?
17 A. The only other thing I
18 can --
19 MS. PITNEY: One second.
20 Are we talking about the computer
21 system, the communication system?
22 I just was asking for
23 clarification of --
24 MR. COX: Let me clarify it.
25 MS. PITNEY: What computer

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1 STEPHAN
2 communication system Tom was
3 asking him about.
4 BY MR. COX:
5 Q. You testify that you go into
6 the First Serve (sic) system; is that
7 correct?
8 A. Yes, Fiserv.
9 Q. Fiserv. Do you go into any
10 other computer system at the time that
11 you're signing a summary judgment
12 affidavit?
13 A. No.
14 Q. And you just testified that
15 you look at principal, interest, late
16 charges and escrow; is that correct?
17 A. That is correct.
18 Q. Is there anything else that
19 you look at in your computer system when
20 you're signing a summary judgment
21 affidavit?
22 A. The only thing I review,
23 other than that, is who the borrower is.
24 Q. When you receive a summary
25 judgment affidavit to sign, do you read

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1 STEPHAN
2 every paragraph of it?
3 A. No.
4 Q. What do you read?
5 A. I look for the figures.
6 Q. That's all that you look at
7 when you sign a summary judgment
8 affidavit?
9 A. Yes, to ensure that the
10 figures are correct.
11 Q. Is it fair to say then that
12 when you sign a summary judgment
13 affidavit, you do not know what it says,
14 other than what the figures are that are
15 contained within it?
16 MR. FLEISCHER: Objection as
17 to form.
18 MS. PITNEY: Objection to
19 the form of the question.
20 THE WITNESS: Please
21 rephrase.
22 BY MR. COX:
23 Q. It fair to say that when you
24 sign a summary judgment affidavit, you
25 don't know what information it contains,

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1 STEPHAN
2 other than the figures that are set forth
3 within it?
4 A. Other than the borrower's
5 name, and if I have signing authority for
6 that entity. That is correct.
7 Q. The practice that you've
8 just described for signing summary
9 judgment affidavits is the practice that
10 you use signing all summary judgment
11 affidavits that you handle; is that
12 correct?
13 MR. FLEISCHER: Again, I'm
14 going to object to the form of the
15 question.
16 BY MR. COX:
17 Q. Is that correct?
18 A. The practice that I use for
19 summary judgment affidavits is the same
20 practice that I use for all affidavits.
21 Q. And that's the one that
22 you've just described?
23 A. Yes.
24 Q. Is any part of your
25 compensation at GMAC Mortgage tied to the

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1 STEPHAN
2 volume of documents that you sign?
3 A. No.
4 Q. Is any part of your
5 compensation tied to the volume of
6 documents that your department processes?
7 A. No.
8 Q. Is it your understanding
9 that the process that you follow in
10 signing summary judgment affidavits is
11 in accordance with the policies and
12 procedures required of you by GMAC
13 Mortgage?
14 A. Yes.
15 Q. Does GMAC do any quality
16 assurance training for your department?
17 A. Presently, no.
18 Q. Has it in the past?
19 A. I do not know.
20 Q. You don't recall any?
21 A. I never received any.
22 Q. Do you have any memory of
23 checking the numbers on the Bradbury
24 affidavit that's in front of you as
25 Deposition Exhibit-1?

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1 STEPHAN
2 A. I do not recall.
3 Q. If a loan has been modified,
4 does that show up in the Fiserv system
5 that you look at?
6 A. When you say "modified," are
7 you stating a loan modification?
8 Q. Yes.
9 A. Yes.
10 Q. Does that show up?
11 A. Yes.
12 Q. If a loan has been modified,
13 is any information put in the summary
14 judgment affidavits that you sign about
15 that?
16 MR. FLEISCHER: Objection.
17 Are you talking about modified, or
18 his term was loan modification. I
19 just want to make sure we're
20 clear.
21 MR. COX: That's fine.
22 BY MR. COX:
23 Q. If there's a loan
24 modification, does information about a
25 loan modification appear in the summary

66

1 STEPHAN
2 judgment affidavits that you sign?
3 A. I do not know.
4 MS. PITNEY: In all of them,
5 or in this one?
6 MR. COX: In any of them.
7 THE WITNESS: I don't know.
8 BY MR. COX:
9 Q. Based upon your testimony,
10 Mr. Stephan, is it correct that when you
11 sign a summary judgment affidavit, such
12 as Deposition Exhibit-1 that is in front
13 of you, you don't know whether any
14 portion of it is true, other than the
15 paragraph containing the numbers that
16 you just described; is that correct?
17 MS. PITNEY: Object to the
18 form. Tom, are you asking him
19 about this affidavit?
20 MR. COX: Well, he's
21 testified that doesn't recall
22 signing this particular affidavit,
23 so that was not my question. Let
24 me restate it.
25 BY MR. COX:

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1 STEPHAN
2 Q. In your practice of signing
3 summary judgment affidavits, Mr. Stephan,
4 is it correct that they always have a
5 paragraph containing the numbers of the
6 amounts claiming to be due?
7 A. That would be correct.
8 Q. And is it correct that when
9 you sign those affidavits, you don't know
10 whether any other part of the affidavit
11 is true or correct?
12 A. Please advise me. What do
13 you mean by "any other part"?
14 Q. Any other paragraph, other
15 than the one containing the numbers.
16 A. I review it for the due
17 date, if that's included in there.
18 Q. So all of them --
19 A. So that would be the
20 numbers.
21 Q. So other than the due date
22 and the balances due, is it correct that
23 you do not know whether any other part of
24 the affidavit that you sign is true?
25 A. That could be correct.

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1 STEPHAN
2 Q. Is it correct?
3 A. That is correct.
4 Q. And isn't it also correct
5 that you do not check the numbers on
6 every single summary judgment affidavit
7 that you sign?
8 A. That is not correct.
9 Q. You check every single one?
10 A. Yes.
11 Q. How long does it take you,
12 on average, to process the execution of a
13 summary judgment affidavit?
14 MS. PITNEY: Object to the
15 form.
16 MR. COX: Please answer.
17 THE WITNESS: Anywhere from
18 five to 10 minutes, off the top of
19 my head.
20 MR. COX: If we can take a
21 break. I may be done, but we can
22 take a break for five minutes.
23 (Whereupon, a short recess
24 was taken.)
25 BY MR. COX:

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1 STEPHAN
2 Q. Mr. Stephan, referring you
3 again to the bottom line on Page 1 of
4 Exhibit-1, it states: I have under my
5 custody and control, the records relating
6 to the mortgage transaction referenced
7 below.
8 It's correct, is it not,
9 that you did not have in your custody any
10 records of GMAC at the time that you
11 signed a summary judgment affidavit?
12 MS. PITNEY: Objection to
13 the form.
14 THE WITNESS: I have the
15 electronic record. I do not have
16 papers.
17 BY MR. COX:
18 Q. You have access to a
19 computer. Is that what you mean?
20 A. Yes.
21 Q. You have no control over
22 that system, do you?
23 MR. FLEISCHER: Objection as
24 to form.
25 BY MR. COX:

A	<p>ability 29:2,4 access 69:18 accompanied 48:23 49:24 accuracy 30:11 44:16 58:6,14 70:6 accurate 45:10,18 57:24 acquired 15:21 38:12 action 11:8 actions 31:10 add 70:13 addition 24:21 additional 35:2 address 24:16 advise 67:12 affidavit 21:3 24:16 31:11 32:9,12,12 32:20 33:9,14 35:8,13,19,23 36:19 39:5 43:25 44:9,17 48:22 50:8 51:5,22 52:2 52:22 53:9,16,17 54:13,23 55:11 56:15,20 59:7 60:8,16 61:12,21 61:25 62:8,13,24 64:24 66:11,19,22 67:10,24 68:6,13 69:11 71:13 affidavits 31:2,7,7,9 31:12,17 32:8 33:25 38:22 39:23 43:22 54:6 58:22 63:9,11,19,20 64:10 65:14 66:2 67:3,9 ago 5:17 32:7 agreed 3:6 AMERICA 1:9 amount 33:6 amounts 59:22 67:6 and/or 72:6 73:21 answer 6:21 10:17 10:18 32:25 33:4 36:7,14 37:11 38:2 40:2 41:17 42:6,16 43:3,5 45:2 49:7 50:2 52:11 53:5,13,24 57:5,11 68:16 answered 36:17 answers 32:7</p>	<p>anybody 40:10,17 44:15 54:16 appear 43:18 56:16 65:25 APPEARANCES 2:2 application 19:5 apply 73:19 approximate 5:16 approximately 9:11 9:18,22 40:20 48:6,8 area 33:13 arts 8:13 asked 42:2,3 52:8 asking 27:4 35:15 38:5,19 39:11 43:6 52:5 53:20 60:22 61:3 66:18 assignment 51:17 assignments 30:25 associated 18:17 ASSOCIATION 1:4 assume 11:16,20 47:21 assumed 11:13 13:7 34:24 assurance 64:16 attached 50:12,19 50:23 51:9 52:2 52:17,24 53:19,21 54:5,14,18,24 72:7 attorney 3:20 10:22 10:23 14:22 15:8 23:13 24:4 35:22 36:10,11,19,23 38:24 39:10 41:25 48:7 52:6,10 53:3 56:14 57:9,22 attorneys 14:25 36:2 37:6 38:14 39:4 attorney/client 33:21 36:11 57:9 August 21:4 23:5 34:11,19 47:13 71:14 authority 63:5 availability 26:8 Avenue 1:17 average 46:20 48:4 68:12 averaging 48:6 aware 32:3 34:4 a.m 1:18 70:18</p>	B	<p>B 1:19 71:8 73:10 back 15:7 36:16 39:8,10 47:9,13 55:5 56:11,13,14 56:22,25 59:13 background 8:11 balance 59:19 balances 67:22 BANK 1:9 bankruptcy 15:17 31:24 based 37:16 38:19 58:23 66:9 basic 48:10 basically 17:21,22 27:4 becoming 17:24 began 8:16 9:9 10:2 behalf 4:9 BELDECOS 1:16 belief 72:5 believe 4:6 9:10 17:2 19:15 26:13 31:24 47:18 48:5 51:18 benefit 50:24 BERGER 1:16 Berkowitz 1:19 73:10 best 72:5 bfleischer@fleisch... 2:6 bid 12:13,24 13:2,10 bidding 12:2,22 bids 12:4,5 blanks 15:2 borrower 33:3 61:23 borrower's 63:4 bottom 25:14 69:3 Box 2:10 Bradbury 1:6 2:13 3:25 53:12 64:23 breach 51:20 break 23:12 57:15 68:21,22 breaking 59:25 Brian 2:3 6:15 57:16 bridge 4:14 brief 23:12 57:15 bring 39:7 46:16,19 48:14 brings 47:23 BRI-RE-09-65 1:4 broad 35:16</p>	C	<p>broad-based 27:5 brought 48:4 50:7 bulk 24:6 business 27:12 35:5 38:21 54:4</p> <p style="text-align: center;">C</p> <p>calculate 12:4,5,13 calculation 11:4 call 14:2 18:9 27:15 27:18 called 12:17 18:11 35:24 36:3 calls 29:8 capacity 16:7 20:3,9 20:19 27:19 30:21 Capital 9:3,12 carry 10:14 case 3:24 4:5,12 7:18 10:23 21:4 27:7,8 45:25 53:17 58:3 cases 5:5,6,8,10,12 cash 19:16,18 29:16 category 10:12 15:18 CDs 15:19 CERTIFICATE 73:2 certification 3:7 73:18 CERTIFY 73:3 certifying 73:22 change 29:2,5 changed 34:18,23 charge 15:6 charges 59:21 61:16 check 54:13,17 58:6 58:14 68:5,9 checking 64:23 claiming 67:6 clarification 60:23 clarify 60:24 cleaner 8:7 clear 65:20 clearly 49:15 client 52:10 close 33:13 56:24 closer 7:4 collections 8:21 come 21:17,21 24:17 35:8 38:23 comes 41:3 50:11 52:7 coming 48:7 58:16 commencing 1:18 Commonwealth 1:21 communicate 57:8 communicates 37:3 37:5 41:24 communication 35:25 36:9,22 37:17 38:13 41:20 52:9 55:20 56:5 57:10 60:21 61:2 companies 8:23 company 26:7,8,16 28:15 36:24 38:9 38:12 compare 59:18 compensation 63:25 64:5 Complaint 6:15 50:5,12 complete 72:4 completed 14:25 15:4 computer 14:20 18:6 20:6 27:16 59:10 60:3,6,14 60:20,25 61:10,19 69:19 70:3 concluded 70:18 confirm 18:2 33:6 conjunction 16:13 connected 50:6,12 51:21 contacting 10:22 contained 62:15 containing 66:15 67:5,15 contains 62:25 content 42:3 contents 44:17 contested 33:4 Conti 9:5 ContiMortgage 9:2 9:8 continue 57:11 control 25:16 69:5 69:21 70:2 73:21 conveying 11:7 copies 23:21 copy 10:25 51:3,11 52:16 53:19 correct 5:2,25 9:16 9:17 12:15 13:6 14:7,8 17:16,17 23:7 24:24 25:2,3 28:2,5,6 29:17,21 29:22,25 30:2 38:10 40:24 41:4 41:5,8,9 43:15,16</p>
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