

1 IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

2
3 GENERAL JURISDICTION DIVISION

4 CASE NO. 50 2009 CA 012434XXXXMB AW

5 WELLS FARGO BANK, NA,

6 Plaintiff,

7 vs.

8 JOHN P. STIPEK, et al.,

9 Defendants.

ORIGINAL

10 _____

11
12 DEPOSITION OF: XEE MOUA

13 DATE: March 9, 2010

14 TIME: 10:10 a.m.

15 LOCATION: A. William Roberts & Associates
5960 Fairview Road
16 Charlotte, NC 28210

17 TAKEN BY: Counsel for Defendants

18 REPORTED BY: Sherri L. Puleo, Court reporter

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22 _____

1 APPEARANCES OF COUNSEL:

2 ATTORNEYS FOR THE PLAINTIFF

3 WELLS FARGO BANK, NA:

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5 BY: TRAVIS HARVEY

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10 JOHN P. STIPEK, et al.:

11 THE TICKTIN LAW GROUP, P.A.

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18 (INDEX AT REAR OF TRANSCRIPT)

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1 (Commencing at approximately 10:10 a.m.)

2 STIPULATION

3 It is stipulated by and between Counsel
4 that this deposition is being taken in accordance
5 with the Florida Rules of Civil Procedure, that all
6 objections as to Notice of this deposition are
7 hereby waived; that all objections except as to form
8 are reserved until the time of trial; and that the
9 deponent does not waive reading and signing of this
10 deposition.

11 * * * * *

12 XEE MOUA

13 being first duly sworn, testified as follows:

14 EXAMINATION

15 BY. MR. QUINONES:

16 Q. Hi. My name is Tim Quinones. Can you
17 please state your name, for the record.

18 A. Xee Moua.

19 Q. Can you spell that, please?

20 A. X like in x-ray, E-E, last name is M like
21 in Mary, O-U-A.

22 Q. Is it okay if I call you Xee?

23 A. Yeah, that's fine.

24 Q. And I'm sure you know why we're here
25 today, we're here for a deposition.

1 A. Yes, sir.

2 Q. And have you had your deposition taken
3 before?

4 A. No.

5 Q. So this is your first time. I'll go over
6 a few preliminaries here, just to kind of explain
7 the process to you before we begin. I'm going to
8 ask you a series of questions, and as I ask a
9 question it's important for the benefit of the court
10 reporter that you provide answers in a yes or no
11 format. Head nods or shoulder shrugs, those types
12 of things don't show up on the record.

13 A. Okay.

14 Q. Also, we may have an exchange going back
15 and forth in which I'm asking a question, I'd ask
16 that you allow me to finish my question and please
17 proceed to answer, and I'll try to extend the same
18 courtesy to you. If we're talking over each other
19 it makes the court reporter's job that much more
20 difficult.

21 A. Yes, sir.

22 Q. Also, if I ask you a question and it's
23 unclear what I'm asking, please ask me to repeat the
24 question, I want to make sure that the question's
25 clear and concise and you understand. I don't want

1 you to guess, so if you don't understand the
2 question please ask me to go over it again, I'll be
3 sure to make it as clear as possible.

4 A. Okay.

5 Q. And finally, if at any point in time you
6 need a break, bathroom or otherwise, just please ask
7 me. I may have to finish my line of questioning I'm
8 in, but I'll be happy to accommodate any breaks you
9 need.

10 A. Okay.

11 MR. HARVEY: You're not a prisoner.

12 Q. That's the point of it. So yes, at any
13 point in time please don't hesitate.

14 I guess I'll start with a few
15 preliminaries. Let's talk about your high school.
16 Where did you go to high school?

17 A. Golden West High School in California.

18 Q. Where in California is that?

19 A. Visalia.

20 Q. Visalia?

21 A. S-A-L-I-A. It's, V-I-S-A-L-I-A.

22 Q. And for somebody that's not familiar with
23 California, where's a big city nearby?

24 A. That's close to Sacramento, San Jose,
25 San Francisco.

1 Q. Okay.

2 A. Might be more familiar with Fresno, it's
3 a bigger city.

4 Q. Is it close to Fresno?

5 A. Yeah, it is.

6 Q. And I presume you graduated high school.
7 What year did you graduate?

8 A. '96.

9 Q. 1996. Okay. And from there did you have
10 any other education after that?

11 A. I started college for about a semester
12 and a half, but we decided to move here, so I
13 haven't gone back.

14 Q. When you say we?

15 A. Family.

16 Q. Your family?

17 A. Yeah.

18 Q. So where did you start college?

19 A. College of the Sequoias.

20 Q. So you attended that for approximately a
21 year and a half?

22 A. No, not even a year and a half, it's
23 about half a year.

24 Q. And then you picked up and moved across
25 the country?

1 A. Yes, sir.

2 Q. Where did you move to?

3 A. Here, Charlotte.

4 Q. Charlotte, North Carolina?

5 A. Uh-huh.

6 Q. And what brought you here?

7 A. Pretty much the job market.

8 Q. Did you have a job at the time that you
9 were going to school at the college over there?

10 A. No.

11 Q. So did you have a job that you were
12 coming to here in Charlotte?

13 A. No.

14 Q. Upon moving here did you get a job here?

15 A. I did.

16 Q. Where did you get a job?

17 A. I believe I worked first job was
18 McKesson.

19 Q. Can you spell that, please?

20 A. M-C-K-E-S-S-O-N. General medical.

21 Q. And what did you do there?

22 A. Just office work, customer service.

23 Q. What type of business was this?

24 A. Medical. Medical supplies.

25 Q. And approximately how long did you work

1 there?

2 A. Let's see, I was there for, I would say,
3 about maybe two years.

4 Q. And from there where did you go?

5 A. I went to United Supply.

6 Q. What type of business is United Supply?

7 A. They're really in the blinds and shade
8 business, home decor.

9 Q. And what was your job there?

10 A. Customer service.

11 Q. Approximately, how long did you work
12 there?

13 A. Six years.

14 Q. And from there where did you go to work?

15 A. Wells Fargo.

16 Q. Which is approximately what year?

17 A. I started as a contractor in -- let's
18 see, I've been there for three years, so I started
19 as a contractor, that would have been in 2007.

20 Q. When you say a contractor, what does that
21 mean?

22 A. Temporary. I went through a temporary
23 agency.

24 Q. And when you took this job as a
25 contractor with Wells Fargo, what were you doing?

1 A. Doc execution, what I'm in now.

2 Q. You said document execution?

3 A. Yeah. It's a doc execution department.

4 Q. So you've been working there continuously
5 for the three years?

6 A. Yes.

7 Q. Approximately, how long were you on as a
8 contractor?

9 A. A year.

10 Q. And after a year of work they offered you
11 full-time employment?

12 A. Yes.

13 Q. Doing essentially the same
14 responsibilities that you were doing before?

15 A. Yes.

16 Q. What is your job title?

17 A. Right now I'm a Work Director.

18 Q. A Work Director?

19 A. Uh-huh.

20 Q. Is that what you were initially hired as?

21 A. No.

22 Q. Okay.

23 A. I was a processor when I got hired on.

24 Q. This is from the temp agency when you
25 were hired on?

1 A. Yes.

2 Q. And your work as a processor, what did
3 that entail?

4 A. What we do is we receive documents and we
5 execute them.

6 Q. What types of documents?

7 A. Substitution of trustees, judgment
8 affidavits, affidavits, deeds.

9 Q. I'm sorry, can you say that one more
10 time, substitution --

11 A. Substitution of trustee.

12 Q. Okay.

13 A. Deeds, affidavits and judgment
14 affidavits.

15 Q. Approximately, how long did you work as a
16 processor?

17 A. About a year.

18 Q. So when you were offered the full-time
19 employment was that leaving the work as a processor
20 and --

21 A. No, it was the same thing. I was offered
22 for that position.

23 Q. Okay.

24 A. So it would be a total of two years being
25 a processor in that department. And I got promoted

1 after that, so that's why I'm a Work Director.

2 Q. So the Work Director, that was a
3 promotion?

4 A. Uh-huh. That was a promotion.

5 Q. And it's still within the document
6 execution department?

7 A. Yes.

8 Q. As a Work Director what are your job
9 responsibilities?

10 A. Job responsibilities are pretty much the
11 same: I help out my team with any execution of
12 documents; I oversee that these documents are
13 executed and returned in a timely manner to our
14 attorneys; handle variety of tasks, as far as the
15 keeping of the team, making sure we're on task,
16 making sure everything is completed and we meet our
17 time frame.

18 Q. And that pertains to the execution of
19 those previous documents that you listed?

20 A. Yes.

21 Q. Now, you mentioned a team, so you have a
22 team of individuals that work --

23 A. We have a team of about 13 people.

24 Q. And are you at the head of that team?

25 A. Yes.

1 Q. And what are -- the 13 people, there's 13
2 people underneath you as the Work Director?

3 A. Yes. Actually, there's 13 people
4 including me, so there's about 12 people under me.

5 Q. And those 12 people, they're considered
6 processors?

7 A. Yes, sir.

8 Q. Approximately, I know you said you've
9 been a Work Director for about a year; is that
10 accurate?

11 A. Yes, sir.

12 Q. So about the beginning of 2009 you were
13 promoted to Work Director?

14 A. Yes.

15 Q. Now, those 12 processors, they do
16 essentially the same work that you were doing the
17 two years prior as a processor?

18 A. Sir, I can only speak on my behalf, so
19 document execution, we execute documents.

20 Q. But you're responsible for the work that
21 these 12 individuals do, correct?

22 A. I am not totally responsible. I oversee
23 that these work go out.

24 Q. Okay.

25 A. But everybody performs at their own

1 level, so I can't speak on anybody's behalf but my
2 own.

3 Q. These 12 individual processors, they
4 report to you?

5 A. They don't report to me. I'm the Work
6 Director, they report to my manager.

7 Q. And who is your manager?

8 A. China Brown.

9 Q. And she's the manager of the document
10 execution department?

11 A. Yes, sir.

12 Q. Is she the only manager of that
13 department?

14 A. No.

15 Q. How many managers are there of the
16 document execution department?

17 A. There's several departments within our
18 department, so every department has their own
19 managers.

20 Q. There's several departments --

21 A. There's several departments that handle
22 several different aspects. We are the document
23 execution team.

24 Q. Okay. For the document execution
25 department?

1 A. For document execution purpose, yes.

2 Q. And these other departments that you're
3 mentioning --

4 A. They don't do anything with documents.

5 Q. But they would not fall under the
6 document --

7 A. They would not fall under document
8 execution.

9 Q. You mentioned the document execution
10 department before, that's China Brown would be the
11 head of that department?

12 A. Yes.

13 Q. And are you the only Work Director in
14 that department?

15 A. Yes.

16 Q. How does your job as a Work Director
17 differ from the job as a processor?

18 A. I have more responsibilities, I do have
19 authorization to execute on behalf of Wells Fargo.

20 Q. Whereas a processor we're not?

21 A. Yes.

22 Q. Does a processor have the authority to
23 execute on behalf of anyone within the company?

24 A. No.

25 Q. So you're the only one in that department

1 that has the authority to execute documents?

2 A. Myself, yes. I'm not the only one, but
3 I'm -- yes. I'm one of the ones that can execute.

4 Q. Okay. But none of the processors can
5 execute, correct?

6 A. I'm sorry, when you say execute, are you
7 referring to signing these documents or actually
8 processing the documents?

9 Q. I was -- I guess let's back up. Before
10 you mentioned that you had the authority to execute
11 on behalf of Wells Fargo.

12 A. Yes, sir.

13 Q. Did you mean to sign on --

14 A. To sign, yes, on behalf of Wells Fargo.

15 Q. Do any of the other processors have -- or
16 do any of the processors that work for you have the
17 authority to sign on behalf of Wells Fargo?

18 THE WITNESS: Do I have to answer that?

19 MR. HARVEY: Yes, answer.

20 THE WITNESS: Yes.

21 BY MR. QUINONES:

22 Q. How many of the 12 processors have the
23 authority to execute?

24 A. We have about, let's see, four others.
25 Including China we have four on our team that is

1 able to sign.

2 Q. So doing the math here: China, yourself
3 and two processors?

4 A. China, myself and three other processors.

5 Q. So that would be five?

6 A. Total of five, including myself.

7 Q. I'm going to back up here a little bit.

8 When you started as a processor, was there any
9 particular training that you had to go through?

10 A. Yes, sir. Periodically we do have
11 attorneys' offices that come into the building and
12 we have little seminars. We sit with the processors
13 that have -- that were there prior, and we have like
14 a little training session. We have training
15 sessions that occur regarding the documents, how to
16 execute the documents, what we have to use, as far
17 as notating our system and so forth.

18 Q. So when you first started you went
19 through one of these training sessions?

20 A. Yes.

21 Q. About how long does that training session
22 last?

23 A. Training sessions usually run anywhere
24 from a week to two weeks.

25 Q. And this involves, I think you said,

1 following around another processor who's been
2 working in the field; is that correct?

3 A. Yes.

4 Q. And then seminars over that time period,
5 as well?

6 A. Uh-huh.

7 Q. Is there any kind of certificate or
8 completion when you finish this training session
9 that you receive?

10 A. No, sir.

11 Q. But after you go through the training
12 session you're then allowed to go on as a processor?

13 A. Yes, sir.

14 Q. Have you received any other training
15 while at Wells Fargo besides this initial training
16 session?

17 A. No, sir.

18 Q. So when you began as the Work Director
19 there was no special training that went into that?

20 A. No, sir.

21 Q. Did you replace -- was there a previous
22 person that was the Work Director of that department
23 before you?

24 A. Yes, sir.

25 Q. And did that person leave the company?

1 A. No. That person actually got promoted.

2 Q. Was that person China Brown?

3 A. Yes, sir.

4 Q. So she was promoted to the manager of the
5 department?

6 A. Yes, sir.

7 Q. Now, when you say that the -- because
8 some of the processors have the -- well, let me back
9 up here. Before becoming the Work Director did you
10 have the authority to sign on behalf of Wells Fargo?

11 A. No, sir.

12 Q. So that was an added benefit when you
13 received that promotion, correct?

14 A. Yes, sir.

15 Q. Was there some form of certificate or
16 something that gave you that authorization?

17 A. Not necessarily. All we have is a
18 corporate vote from our legal department indicating
19 we are authorized to execute on behalf of
20 Wells Fargo. As far as a personal certificate or
21 anything like that, we don't have anything.

22 Q. So I presume somebody would have to put
23 you up to be voted upon to have that authorization,
24 is that --

25 A. This authorization is actually approved

1 by management, and it's sent over to our legal
2 department.

3 Q. How did you become aware that you
4 received this authorization?

5 A. I was notified that I was able to execute
6 on behalf of Wells Fargo.

7 Q. Did you, yourself, apply for that
8 authority?

9 A. Not necessarily. Our department needs
10 signers for our particular documents. We don't have
11 time to utilize -- or we don't have the time frame
12 to take our documents to all the other signers that
13 are available within Wells, so we have to -- in our
14 department we like to handle our documents there
15 because it's a lot quicker for us to get it in and
16 out. So with our processors being able to execute
17 and sign, the time frame would be cut almost in
18 half, as far as getting our documents out the door.

19 Q. So would these other processors that are
20 on your team that are not authorized to sign, it
21 would help your job if they were authorized to sign,
22 correct?

23 A. It would, but it's not necessary that
24 everybody be able to sign.

25 Q. Why is that?

1 A. Well, that's on a management basis; I
2 mean, it's not where I'm at, so I wouldn't be able
3 to give you that answer. It's on a management
4 level.

5 Q. So you said you received notification
6 that you were authorized to sign on behalf of
7 Wells Fargo, was this via e-mail?

8 A. No, it was via my supervisor or
9 management.

10 Q. She verbally told you --

11 A. Yes.

12 Q. That you're now authorized to sign?

13 A. Yes, sir.

14 Q. Have you received any documentation
15 beyond, you know, your supervisor verbally telling
16 you that?

17 MR. HARVEY: Asked and answered.

18 Go ahead.

19 THE WITNESS: Yes, sir.

20 BY MR. QUINONES:

21 Q. You have?

22 A. The corporate vote.

23 Q. The corporate vote?

24 A. Yes.

25 Q. So did you receive a document evidencing

1 this corporate vote?

2 A. Yes, sir.

3 Q. And in what form, is it a letter that you
4 received?

5 A. It's a document. It's a document signed
6 by legal.

7 Q. On a piece of paper?

8 A. Yes, sir.

9 Q. You don't, by chance, have that document
10 here today, do you?

11 A. I do.

12 Q. You do?

13 A. Uh-huh.

14 Q. I'd like to take a look at that document.

15 MR. HARVEY: And I'm objecting to this
16 production because we didn't instruct the client to
17 bring anything. If you want to raise it up later,
18 you can.

19 MR. QUINONES: I guess --

20 MR. HARVEY: I've not seen the document.
21 I don't know what's on the document. I don't know
22 if there's confidential materials in this document.

23 MR. QUINONES: I can give you a chance to
24 review it; I mean, it's documents that were --

25 MR. HARVEY: It's not just my decision,

1 there's counsel inside Wells Fargo as well. There's
2 more that goes at scope than just my okay here for
3 this day. Like I instructed, my client has
4 mistakenly brought this document here, I did not ask
5 her to bring this. I'm objecting to this
6 production. If you want to move later for it, you
7 can, but I don't know what's in the document.

8 MR. QUINONES: Well, I mean, we can take
9 time to review this; I mean, this document would be
10 responsive to the Duces Tecum aspect of this
11 deposition.

12 MR. HARVEY: And your understanding, yes,
13 it would be. I just told you about the document's
14 production. We already produced documents to your
15 office. If you have an objection beyond that, state
16 it for the record, we can preserve it, you can take
17 it in front of the judge later, if need be. We have
18 not brought documents for production here today.

19 MR. QUINONES: There is a document here
20 today, I mean -- and, I mean, we may have to -- we
21 traveled this long distance, we may have to get the
22 judge on the phone --

23 MR. HARVEY: You can continue asking your
24 questions. If there's something else that needs to
25 be asked, you know, we can get to that point, we can

1 revisit this later. I will look at this document in
2 the meantime or if we can take a break, but I'm
3 still not confirming that I'm going to produce this
4 document to you. I've not seen it, I've not had a
5 chance to review it, it's not here for production,
6 it's in my possession; hence, currently a matter of
7 communication between my client and myself. It's
8 not a matter of production for this deposition.

9 MR. QUINONES: So let's make it clear,
10 what's your objection for the record?

11 MR. HARVEY: My objection for the record
12 is that we produced all documents to you. We have
13 not brought anything here today to be produced at
14 this deposition.

15 THE WITNESS: Okay. So your objection is
16 that you have not brought anything responsive to the
17 Duces Tecum?

18 MR. HARVEY: Correct.

19 BY MR. QUINONES:

20 Q. All right. I'd ask you to review this
21 document. Have you seen this document before?

22 A. Yes, I have.

23 Q. And take a minute to look through it, if
24 you would.

25 A. (Complying)

1 Q. Now, you've had a chance to see the -- I
2 guess, if you could, could you read the title of the
3 document for me?

4 A. The title -- which title?

5 Q. The underlined portion in the middle.

6 A. The Re-Notice of Taking Deposition Duces
7 Tecum?

8 Q. Yes, ma'am. Okay. Have you had an
9 opportunity to review the requests in this document?

10 A. No, sir. I haven't looked at it in
11 detail.

12 Q. Have you seen the request before?

13 A. No.

14 Q. Are you aware that this deposition is
15 Duces Tecum in aspect, which means that we've
16 requested you to produce a number of documents today
17 responsive to that?

18 A. No.

19 Q. You have brought some documents today,
20 but they're not in reference to this Duces Tecum
21 aspect of this deposition?

22 MR. HARVEY: Counsel, for the record,
23 documents she's brought here today are between
24 herself and myself. She has not brought documents
25 for this Duces Tecum.

1 MR. QUINONES: Okay.

2 MR. HARVEY: Do not try to trick her with
3 the play of words.

4 MR. QUINONES: No, no, no. There's no
5 trying to trick. I just want to make sure we have
6 that clear.

7 MR. HARVEY: That's fine. We're clear.

8 MR. QUINONES: All right.

9 MR. HARVEY: Now, if you'd still like to
10 continue on this line of questioning, I will offer I
11 can talk with my client, review this document she
12 has just mentioned; if that is something that can be
13 produced I will disclose it at this point in time,
14 but I'm committing that it's for this deposition
15 today.

16 MR. QUINONES: Right. Okay. And I think
17 that that would be prudent. It doesn't necessarily
18 have to be now, but we've come all this way, I'd
19 hate to come back over one document.

20 MR. HARVEY: I understand.

21 MR. QUINONES: So I can move on with my
22 line of questioning. Maybe at a break we can review
23 and see if that's a document we can come back to.

24 MR. HARVEY: Sure. If you want to handle
25 it that way, that's fine.

1 MR. QUINONES: Okay,

2 BY MR. QUINONES:

3 Q. But to be clear -- I'm just going to ask
4 the witness: To be clear, there's been no documents
5 produced in response to this Duces Tecum aspect
6 today?

7 A. That's correct.

8 (DFT. EXH. 1, THE RE-NOTICE OF TAKING
9 DEPOSITION DUCES TECUM, was marked for
10 identification.)

11 Q. I'd like to enter this as Exhibit 1.

12 So you received this authorization that's
13 been in question via a document that you have here
14 today, is that the only -- besides the verbal and
15 this document, is there any other way that you
16 became aware of this authorization to sign on behalf
17 of Wells Fargo?

18 A. That is it.

19 Q. So the processors -- when you were a
20 processor previously, if you weren't signing these
21 documents, what exactly were you doing with these
22 documents?

23 A. When I say execute, that means we receive
24 these documents in from the attorney's office, we
25 fill the document with the necessary name, title, so

1 forth, send it off to be notarized and mail it out
2 to the attorney's office.

3 Q. When you say send it off to be notarized,
4 you send it to --

5 A. We have a notary on our team.

6 Q. But going back to your job as a
7 processor, if you're not signing at that time what
8 does your job entail as a processor?

9 A. Exactly what I just explained.

10 Q. Okay. So you were explaining the job as
11 a processor?

12 A. Yes.

13 Q. Filling in the blanks, and then you give
14 it to an individual who would then execute?

15 A. Yes.

16 Q. So as the Work Director and now an
17 authorized signer, you don't fill in those blanks
18 anymore?

19 A. I do periodically, it just depends on how
20 our volume is. As well as being a Work Director, I
21 still do the same duties the processor would do. I
22 jump in when I have to jump in.

23 Q. So when you say you have to jump in, it
24 will be something ---

25 A. To help them with their mailboxes.

1 Q. Do you receive direct assignments
2 yourself, as well?

3 A. Every now and then I do; not direct, but
4 if there was an escalated issue, yes, it would come
5 to me.

6 Q. So it would be fair to say you do not
7 have like your own workload, you just are helping
8 out where needed?

9 A. Yes.

10 Q. And then further, one of your primary
11 responsibilities would be to sign documents,
12 correct?

13 A. Yes.

14 Q. How many documents would you say you sign
15 a day?

16 A. In a day's workload, hundreds.

17 Q. Hundreds?

18 A. Yes.

19 Q. And when you say hundreds -- when you're
20 referencing documents, you mean the previous
21 documents that you listed; whether it be an
22 affidavit, an affidavit for judgment, substitution
23 of trustee, those documents?

24 A. Yes, sir.

25 Q. I guess to help me fully understand, when

1 you say hundreds, it could be 500 documents in a
2 day?

3 A. It can.

4 Q. What would you say the most you assigned
5 in a given day would be?

6 A. The most?

7 Q. Yeah.

8 A. In a given day, anywhere between 300 to
9 500.

10 Q. Okay. Now, so one of the processors will
11 bring you these documents; is that correct?

12 A. Yes, sir.

13 Q. So you may have a stack of 300 on your
14 desk?

15 A. Yes, sir.

16 Q. Now, you'll go through one by one and
17 sign each of these documents?

18 A. Yes, sir.

19 Q. When you sign these documents, what do
20 you do, what do you look at on the documents?

21 A. Make sure my information is there and
22 correct, and I sign.

23 Q. When you say your information?

24 A. My name, my title.

25 Q. Anything else?

1 A. That is it.

2 Q. Now, do you verify any of the numbers
3 that may be on some of these documents?

4 A. I do not. That's not part of my job
5 description.

6 Q. I understand. If you have as many as 300
7 documents on your desk in a given day; I mean, how
8 many would you say you're signing in an hour's time,
9 let's say?

10 A. In an hour's time, I would say probably
11 anywhere between 50 to 100.

12 Q. So potentially you're signing documents
13 every 30 seconds or so?

14 A. Well, not necessarily, because they
15 don't -- I mean, I could be signing a folder of
16 documents and then be doing something else, so it's
17 not like I'm just sitting at my desk signing
18 documents all day.

19 Q. Okay.

20 A. They flow, you know, back and forth. So
21 it's not like I'm just sitting there and just
22 signing documents all day.

23 Q. When you're not signing documents what
24 are you doing?

25 A. When I'm not signing documents I'm either

1 attending to other tasks or overseeing what the
2 others are doing.

3 Q. When you say other tasks, just general?

4 A. As far as escalated issues, you know,
5 making sure the team's on point, meetings if I have
6 to be in them.

7 Q. So what percentage of your day would you
8 say is taken up with signing documents?

9 A. I would say about 25 percent of the day.

10 Q. So about two hours of time?

11 A. About.

12 Q. And you've potentially signed three to
13 500 documents in a two-hour time period?

14 A. Yes, sir.

15 Q. Now, before you said it's not your
16 responsibility to review the documents for anything
17 other than your name, title, make sure your
18 information is correct?

19 A. Yes, sir.

20 Q. Whose responsibility is that?

21 MR. HARVEY: That you know of.

22 Q. Yeah. I'm asking to the best of your
23 knowledge. Again, I don't want you to guess.

24 A. To the best of my knowledge, these
25 documents are to be reviewed by the attorney's

1 office and then, again, by our liaisons who actually
2 process these files.

3 Q. When you say the attorney's office, and I
4 don't want to get into any specific communications
5 with your attorney, do you mean an outside counsel
6 like Florida Default Law Group, for example?

7 A. Yes.

8 Q. And you said either an attorney's office
9 or a liaison?

10 A. Yes, sir.

11 Q. What is a liaison?

12 A. Liaison is the processor who is assigned
13 to the particular loans.

14 Q. When you say processor, you mean somebody
15 within your document execution department or is this
16 somebody outside of that department?

17 A. No, they're within Wells, but they're not
18 within doc execution.

19 Q. What department are they in?

20 A. Foreclosure.

21 Q. When you receive a document, how can you
22 tell if it's been in the attorney's office that
23 reviewed it or that liaison?

24 A. To my understanding, when the documents
25 come to doc execution they should have already been

1 reviewed and approved for execution.

2 Q. Whether it be by that attorney's office
3 or the liaison?

4 A. Yes.

5 Q. But is there any way to tell if they have
6 been reviewed by the attorney's office or the
7 liaison?

8 A. I believe they have log codes that they
9 put in the system, which I don't have knowledge of.

10 Q. So you don't review those -- you said,
11 log codes?

12 A. Log codes.

13 Q. You don't review those log codes before
14 you execute the documents, do you?

15 A. No, sir.

16 Q. When you pick up a file, are you able to
17 tell who that liaison for that file is?

18 A. We can go into the system and look, and
19 then we have a list that will break it down for us.

20 Q. So there will be one particular person
21 that is assigned to the particular loan?

22 A. Yes, sir.

23 Q. Out of curiosity, do you know who that
24 person in this particular case is?

25 A. Not offhand.

1 Q. But would you have access to that
2 information to find that out?

3 A. Yes.

4 Q. Now, you mentioned that the system, I
5 presume you mean a computer system?

6 A. Yes, sir.

7 Q. Is part of your job to be able to
8 understand that computer system?

9 A. Yes, sir.

10 Q. Is there a particular name for this
11 computer system?

12 A. Fidelity.

13 Q. And what do you utilize the system for?

14 A. The system is utilized to insert our
15 notes, as well as to get investor information so we
16 can verify that we have authority to sign off on the
17 document.

18 Q. When you execute a document, is this
19 something that you check in the system?

20 A. What do you mean by executing, as far as?

21 Q. Signing.

22 A. Signing the document?

23 Q. Yes.

24 A. No, sir. We don't look at the system.
25 Personally when I'm signing, I don't look at the

1 system.

2 Q. You said that you would insert notes into
3 the system?

4 A. Yes, sir.

5 Q. Is that part of your job aside from the
6 execution of the documents?

7 A. No. That's what we do, processors, as
8 far as receiving the documents, sending the document
9 to be signed and sending it out to the attorney.
10 Those are the notes that we put in the system.

11 Q. That you've processed the documents?

12 A. Yes, that we've processed the document.

13 Q. Okay. And is there any other types of
14 notes that you enter into the system beyond that?

15 A. No, sir.

16 Q. Do you utilize the system for anything
17 else besides inserting those notes and the investor
18 information?

19 A. No, sir.

20 Q. So you don't import any numbers into the
21 system, do you?

22 A. No, sir.

23 Q. Do you know who does import anything like
24 that into the system?

25 A. No, I don't.

1 Q. Do you know who puts the investor
2 information into the system?

3 A. No, I don't.

4 Q. If 25 percent of your day's spent
5 executing these documents, you said the other 75
6 percent is, you know, picking up the slack where
7 needed in other spots and making sure you're meeting
8 deadlines, pretty much?

9 A. Yes, sir.

10 Q. Is there anything else that you do in
11 your day-to-day job responsibilities beyond that?

12 A. No, sir.

13 Q. I'd like you to take a look at this. Do
14 you recognize this document?

15 MR. HARVEY: Excuse me, if I may first,
16 just for a --

17 MR. QUINONES: Yeah. I have a copy for
18 you as well, if you'd like.

19 MR. HARVEY: I got a copy, thanks.

20 THE WITNESS: I recognize this as a
21 document that I signed.

22 BY MR. QUINONES:

23 (DFT. EXH. 2, AFFIDAVIT AS TO AMOUNTS DUE
24 AND OWING, was marked for identification.)

25 Q. Let's have this marked as Exhibit 2.

1 Now, before we get into that, I'll bring
2 up another line of questioning here. You now
3 currently work for Wells Fargo Bank, correct?

4 A. Yes, sir.

5 Q. And where is your office?

6 A. On Stateview Boulevard, Fort Mill,
7 South Carolina.

8 Q. Is that the headquarters for Wells Fargo?

9 A. As far as I know, it's not.

10 Q. Do you know where the headquarters for
11 Wells Fargo is?

12 A. No, sir. Not offhand.

13 Q. How far -- 'cause we're currently here in
14 Charlotte, how far is Fort Mill, South Carolina from
15 Charlotte?

16 A. Not very far, it's right off the border.

17 Q. Thirty minutes?

18 A. About a good -- if that.

19 Q. Now, do you work in a big office building
20 there?

21 A. Yes.

22 Q. How many floors are in your building?

23 A. Three.

24 Q. How many workers would you say are -- and
25 in that entire building is it all Wells Fargo?

1 A. To my knowledge, yes.

2 Q. How many employees do you think work in
3 that building?

4 A. I don't -- sir, I don't know. A lot.

5 Q. Fair enough. I don't want you to guess.

6 Okay. Going back to this document here.
7 Now, you said you recognize this as a document that
8 you executed?

9 A. Yes.

10 Q. And you executed this under oath,
11 correct?

12 A. Yes.

13 Q. Do you know what that means?

14 A. Yes, sir.

15 Q. To the best of your knowledge, what does
16 that mean?

17 A. Acknowledged that the document is true
18 and accurate.

19 Q. And you're swearing that everything in it
20 is accurate, correct?

21 A. Yes, sir.

22 Q. Now, looking here at the document, it
23 says in the top corner, it says: The County of
24 York; is that the county that Fort Mill,
25 South Carolina is in?

1 A. Yes, sir.

2 Q. Now, I see -- you know, going back to
3 your previous testimony, there's two underlined
4 portions of this document that have -- one has your
5 name above it in Paragraph 2, the other has
6 Vice President of Loan Documentation; are those the
7 two things that you generally check in this
8 document?

9 A. Yes, sir.

10 Q. Is there anything else upon execution you
11 would check in this document?

12 A. No, sir.

13 Q. Now, here it says in Paragraph 2 that
14 you're the vice president of the loan documentation?

15 A. Yes, sir.

16 Q. You didn't mention that title before.
17 What does this title entail?

18 A. Vice President of Loan Documentation is
19 the title that we were granted to sign these
20 documents on behalf of Wells.

21 Q. So the other individuals that you
22 mentioned that could sign on behalf of Wells,
23 they're also vice presidents of loan documentation?

24 A. Yes, sir.

25 Q. Now, you said China Brown is one of those

1 individuals, who are the other three individuals
2 that are the Vice President of Loan Documentation?

3 A. Helen Belton.

4 Q. Okay.

5 A. Jeanette Hadden.

6 Q. Okay.

7 A. Ann Nealey.

8 Q. Ann Nealey?

9 A. Yes.

10 Q. And yourself and China?

11 A. Yes.

12 Q. And Helen, Jeanette and Ann, they're all
13 processors?

14 A. Yes, sir.

15 Q. So when did you receive this job title as
16 Vice President of Loan Documentation?

17 A. As I stated, in 2009.

18 Q. So that goes one in the same to when you
19 received this promotion, correct?

20 A. Not necessarily.

21 Q. But that goes back to that previous
22 document that we were talking about, the
23 authorization for you to sign, that's when you
24 became aware that you were the Vice President of
25 Loan Documentation?

1 A. Yes, sir.

2 Q. Now, you're aware that -- I'll take you
3 to Paragraph 1. In that paragraph you state that
4 there's no genuine issue of material fact in this
5 case, correct?

6 A. Like I had stated before, we don't go
7 into details with these affidavits; all we do is we
8 get them in, they're verified, we execute them and
9 we send them out.

10 Q. So asking you here today, that would not
11 be your testimony, because you're not aware if
12 that's accurate, correct?

13 A. Yes, that's correct.

14 Q. Do you understand what that means: No
15 genuine issue material of fact?

16 A. No, sir.

17 Q. Further in that sentence it says that:
18 The Plaintiff is entitled to enforce the note and
19 mortgage. And your answer may be repetitive on this
20 because you said it, but I have to go through this
21 process. Do you know if that is, in fact, the case,
22 that the Plaintiff is entitled to enforce the note
23 and mortgage?

24 A. No, sir, not to my knowledge.

25 Q. And on this day it was not done -- going

1 back to May 6, 2009, that was not within your
2 knowledge at that time either, correct?

3 A. Correct.

4 Q. In reading this document, do you know who
5 owns the note and mortgage in this case?

6 A. To my knowledge, it's Wells Fargo.

7 Q. What do you base that knowledge upon?

8 A. There's a matrix that we use to verify
9 the current vesting.

10 Q. And did you use that matrix here to
11 ascertain that information?

12 A. Yes, sir.

13 Q. So you reviewed that matrix before you
14 executed this document, is that what you're saying?

15 A. Yes, sir.

16 Q. All right. I thought you previously said
17 that you only verify the --

18 A. The matrix is verified when the
19 processors fill out the document, so I don't -- when
20 I'm signing these, all I'm doing is signing, all
21 that stuff is already verified.

22 Q. So you didn't personally review this?

23 A. No, I don't personally review this
24 document.

25 Q. Okay. Fair enough. But if it's your

1 understanding that Wells Fargo is the owner of this
2 note in Paragraph 2, it says that they are the
3 servicer of this loan, correct?

4 A. That's what it states on the document,
5 yes, sir.

6 Q. Does that mean that they -- do you know
7 what that means?

8 MR. HARVEY: Objecting to the form of the
9 question. The Affidavit doesn't state on there --
10 go ahead.

11 Q. That's not what I was asking. I asked
12 that they're the servicer of the loan, do you know
13 what that means?

14 A. As far as they being the servicer of the
15 loan?

16 Q. Yes.

17 A. To my knowledge, the servicer of the loan
18 actually means that Wells Fargo is servicing the
19 actual loan.

20 Q. Okay.

21 A. So whether it be Wells Fargo loan or
22 another bank's loan, we're servicing it, that means
23 we're working the file.

24 Q. Is there a way to tell if Wells Fargo
25 owns this loan or if they're, in fact, only a

1 servicer?

2 A. There is, but --

3 MR. HARVEY: Object to form. Go ahead.

4 THE WITNESS: There is, but I'm not aware
5 of that. Like I said before, we don't process these
6 loans, so we wouldn't have any knowledge of that.
7 These are verified before they come to us.

8 BY MR. QUINONES:

9 Q. When you say we, you mean?

10 A. My team. The doc team.

11 Q. We'll call them that going forward, make
12 it easier to understand.

13 Do you know who would verify that
14 information?

15 A. To my knowledge, it would be the
16 attorney's office and the liaison I stated before.

17 Q. Do you interact with these liaisons on a
18 daily basis within your job?

19 A. No, sir, on a need-to basis.

20 Q. On estimate, how often do you need to
21 interact with any of the liaisons?

22 A. It just depends. It just depends,
23 because we don't -- we do have questions
24 periodically that we go back and forth on, but it
25 really all depends on what we're working with. If

1 we have a question about a document we contact them.

2 Q. What types of questions would you have
3 about documents?

4 A. As far as the investor information not
5 matching when we're checking the matrix, whether or
6 not we think we should execute a document if it's a
7 document that we have not seen before, one that we
8 don't execute on a daily basis; those are the types
9 of issues we go to them for.

10 Q. Something outside the ordinary?

11 A. Outside the ordinary, yes, sir.

12 Q. Can you help me understand, the title
13 here uses Wells Fargo Bank, N.A. Successor By Merger
14 to Wells Fargo Home Mortgage, Incorporated; is that
15 the company that you work for?

16 A. Yes.

17 MR. HARVEY: Object to form.

18 Q. Well, I'll move on from that. I believe
19 it's the third sentence in Paragraph 2, it says
20 that: Wells Fargo Bank Successor By Merger to
21 Wells Fargo Home Mortgage, Inc. is responsible for
22 the collection of this loan transaction and pursuit
23 to any delinquency in payments; on what do you base
24 that knowledge?

25 A. I don't base that knowledge on anything.

1 As far as I know, this is already confirmed by the
2 attorney or the liaison, so I would not have no
3 knowledge of that, that paragraph.

4 Q. You don't have no personal knowledge?

5 A. No personal knowledge, whatsoever.

6 Q. In the next sentence you state that:
7 You're familiar with the books of account and have
8 examined all the books, records and documents kept
9 by Wells Fargo Bank concerning the transaction
10 alleged in this Complaint; I mean, it's fair to say
11 that you didn't review these books and records in
12 this circumstance, correct?

13 A. Again, that should have been reviewed by
14 the attorney's office, as well as the liaison.

15 Q. But you personally did not review them?

16 A. No, sir.

17 Q. Would you know what books, records and
18 documents that they're pertaining to here in this
19 statement?

20 A. No, sir.

21 Q. And in this sentence, have you reviewed
22 the Complaint in this action?

23 A. No, sir.

24 Q. So you wouldn't know if the transactions
25 alleged in the Complaint are true, correct -- or let

1 me rephrase that. So it would be fair to say that
2 you haven't reviewed any transactions that have been
3 alleged in the Complaint, correct?

4 A. No, sir.

5 Q. Again, and I know this is a bit
6 repetitive, but the next sentence, it says: All of
7 these books, records and documents are kept by
8 Wells Fargo. Being that you don't know which books,
9 records and documents they're pertaining to here,
10 you don't know if they're actually kept by
11 Wells Fargo, correct?

12 A. Correct.

13 Q. And it be fair to say that you -- do you
14 know what the regular course of business pertaining
15 to keeping these books and records would be?

16 A. No. Not to my personal knowledge, no,
17 sir.

18 Q. That's fine. That's a fine answer. It
19 be fair to say that you don't know when these books,
20 records or documents are inputted into your system,
21 correct?

22 A. Correct.

23 Q. So you wouldn't know the -- I'll retract
24 that. In the tail-end of that sentence, turn on the
25 second page, it says: And from information

1 transmitted by persons with personal knowledge of
2 facts such as your Affiant. When it says your
3 Affiant here, is that pertaining to you?

4 A. I'm assuming.

5 Q. But you don't know that? I don't want
6 you to guess.

7 MR. HARVEY: Excuse me, Counsel, where are
8 you referring to?

9 MR. QUINONES: On the top of Page 2.

10 MR. HARVEY: Thank you.

11 BY MR. QUINONES:

12 Q. Was it your understanding that this
13 execution, that this pertained to you individually?

14 A. I'm assuming it does; but like I said,
15 these are reviewed by our attorneys and our liaisons
16 prior to them coming to us, so my knowledge of this
17 Affidavit is very minimal.

18 Q. So it would be fair to say that that
19 statement, that you have personal knowledge of the
20 facts within it are not accurate, correct?

21 A. Correct.

22 Q. And again, the next sentence says: It is
23 the regular practice of Wells Fargo Bank, N.A.
24 Successor By Merger To Wells Fargo Home Mortgage,
25 Inc. to make and keep these books, records and

1 documents; it be fair to say that you don't know if
2 that's, in fact, true, correct?

3 A. Not by personal knowledge, no.

4 Q. And the books, records and documents
5 which Affiant has examined -- well, that first part
6 of that sentence, that would be inaccurate because
7 you didn't examine the books, records and documents,
8 correct?

9 A. Correct.

10 Q. Okay. Is the next part of that sentence
11 accurate, I'll read the whole sentence: The books,
12 records and documents which Affiant has examined are
13 managed by employees or agents whose duty it is to
14 keep the books accurately and completely; is that
15 statement accurate?

16 A. To my knowledge, I wouldn't be able to
17 answer that question because, like I said, I don't
18 keep the books, so.

19 Q. So you wouldn't have any information as
20 to whether that's accurate?

21 A. No, sir.

22 Q. And again, the next sentence:
23 Furthermore, the Affiant has personal knowledge of
24 matters contained in books, records and documents
25 kept by Wells Fargo Bank; that's not an accurate

1 statement?

2 MR. HARVEY: Counsel, asked and answered.
3 You can repeat the same question over and over, just
4 because it's a different sentence does not mean
5 you're asking a different question.

6 MR. QUINONES: If you're willing to
7 stipulate the rest of the Affidavit falls along
8 these lines, I'll do it; otherwise, I have to ask
9 these questions just to make it clear. I'm not --

10 MR. HARVEY: My objection's on the record.
11 Fair enough. Go ahead.

12 BY MR. QUINONES:

13 Q. Back to the question. I'll repeat it for
14 you. Furthermore, Affiant has personal knowledge of
15 matters contained in the books, records and
16 documents kept by Wells Fargo Bank, N.A. Successor
17 By Merger To Wells Fargo Home Mortgage, Inc; it's
18 fair to say that that statement's not accurate,
19 correct?

20 A. Correct.

21 Q. And again, Paragraph 3: I have personal
22 knowledge of the facts contained in this Affidavit;
23 that's inaccurate as you've stated, correct?

24 A. Correct.

25 Q. Specifically, I have personal knowledge

1 of the facts regarding the sums of money which are
2 due and owing to Wells Fargo Bank, N.A. pursuant to
3 the Note and Mortgage, which is subject to the
4 matter of this lawsuit; that's not an accurate
5 statement as well?

6 A. Correct.

7 Q. In Paragraph 4 there's a number of sums
8 that are stated here. There's sums of money as of
9 May 10, 2009. Did you review these sums for their
10 accuracy before you executed this document?

11 MR. HARVEY: Asked and answered, Counsel.

12 Q. Proceed.

13 A. No, sir.

14 Q. So you wouldn't know if any of these
15 figures are, in fact, accurate, correct?

16 A. Correct.

17 Q. Do you know who you'd be able to ask to
18 find out if these statements are accurate?

19 MR. HARVEY: Object to form.

20 Q. Is there somebody that you could ask to
21 verify the accuracy of these statements?

22 A. Yes, sir.

23 Q. Who would you ask?

24 A. As I've stated before, either the
25 attorney's office or the liaison.

1 Q. Did you do that in this circumstance?

2 A. No, sir. I was under the assumption
3 everything that came to us has been reviewed and
4 verified as being correct.

5 Q. But you didn't have personal knowledge as
6 to whether that was actually done here in this
7 circumstance?

8 A. Correct.

9 Q. I'll give you a second. If you want to
10 read Paragraph 5 for me, and I'll read it for the
11 record: Wells Fargo Bank has employed the services
12 of the law firm of Florida Default Law Group in this
13 action against the Defendant, and is obligated to
14 pay Florida Default Law Group reasonable attorney's
15 fees for its services, along with all costs and
16 expenses of this action; do you know if this
17 statement is, in fact, accurate?

18 A. No, sir.

19 Q. And the next sentence as well: In this
20 uncontested foreclosure case, we've agreed to pay
21 the law firm of Florida Default Law Group a flat fee
22 of \$1,200.00; do you know if that is, in fact,
23 accurate?

24 A. Not to my personal knowledge.

25 Q. And again, if you were to verify the

1 accuracy of this, it would either be contacting the
2 attorney or the liaison, correct?

3 A. Yes, sir.

4 Q. Okay. And then the next sentence: In
5 the event that the matter becomes contested, we've
6 agreed to pay an hourly fee up to \$175.00 per hour;
7 do you know if that statement's accurate?

8 A. Not to my personal knowledge.

9 Q. Okay. Now, turning your attention to the
10 bottom of the page, Mary Tramble.

11 A. Yes, sir.

12 Q. Does she work in your office?

13 A. She does.

14 Q. Is she on your team?

15 A. Yes, sir.

16 Q. Is she one of the processors?

17 A. She's a notary.

18 Q. But she's not one of the processors that
19 work for you?

20 A. No. She does not execute these
21 documents, no, sir.

22 Q. But before you stated that some of the
23 processors don't execute documents, correct?

24 A. Yes.

25 Q. She's not one of those 13 that you named?

1 A. No. I mean, she's within the group, but
2 she doesn't have the same task.

3 Q. So she is within that 13 number that you
4 mentioned before?

5 A. Yes.

6 Q. But she's not a processor?

7 A. Correct.

8 Q. Is her sole responsibility a Notary
9 Public?

10 A. That's not all she does, but she does
11 notarize our documents for us as well.

12 Q. Is she the only notary that you'll
13 utilize in signing these documents?

14 A. No, sir.

15 Q. Are there other notaries on your team?

16 A. We have a contractor right now that's a
17 full-time notary.

18 Q. Going back to --

19 MR. HARVEY: A temporary employee.

20 Q. That's what I was going to ask. A
21 temporary employee that's contracted to notarize
22 these documents?

23 A. Yes.

24 Q. Mary is not a temporary employee,
25 correct?

1 A. Correct.

2 Q. Does she work near your desk?

3 A. Yes.

4 Q. Help me understand this, do you work in a
5 cubicle?

6 A. I sure do.

7 Q. And there's other processors that work
8 around you in that cubicle?

9 A. Yes, sir.

10 Q. And is it a big, open floor that you work
11 in?

12 A. Yes, sir.

13 Q. About how many people work on that floor
14 with the cubicle?

15 A. I couldn't tell you.

16 Q. I don't want you to guess.

17 A. I couldn't tell you.

18 Q. A large number?

19 A. Yes.

20 MR. HARVEY: Objection to relevance, but
21 go ahead.

22 Q. Where does Mary work in relation to your
23 cubicle that you work in?

24 A. She's on the other side.

25 Q. The other side of the floor?

1 A. No, she's in the same area as I am.

2 Q. So when you have these, you know,
3 sometimes three to 500 documents that you may be
4 signing, you sign them and then walk them over to
5 her cubicle?

6 A. Either that or she'll usually -- we're
7 close together, so I'll sign them and hand them to
8 her.

9 Q. And I presume that's what occurred here
10 in this case?

11 A. Yes, sir.

12 MR. QUINONES: If you don't mind, let's
13 take a five minute break.

14 MR. HARVEY: Sure.

15 MR. QUINONES: Give you an opportunity to
16 review.

17 MR. HARVEY: That's fine.

18 (A recess transpired.)

19 MR. QUINONES: Just confirmed with Counsel
20 off the record, we have a document in question here
21 giving the witness authority to sign on behalf of
22 Wells Fargo. Counsel is objecting to producing it.
23 I would say that we can -- I have a proposal we
24 could preserve this, maybe put it in a sealed
25 envelope and we can bring it before the judge.

1 MR. HARVEY: No. That's not being
2 produced. Until the judge orders it, I'm not going
3 to put it in a sealed envelope to be produced, that
4 requires a court order in itself. That's not
5 happening.

6 MR. QUINONES: But it was brought here --

7 MR. HARVEY: No, it was not brought here
8 responsive to the deposition. I said that at least
9 five times. These documents are with my information
10 over here in my stack. Just because they're brought
11 by my client doesn't mean they were brought for your
12 benefit or for this deposition. I stated and my
13 client stated on the record that these documents are
14 not for you.

15 MR. QUINONES: Okay. Well, my concern,
16 and I think that this will be a way to preserve this
17 objection, we can bring it before the judge. I
18 don't think there's a need to get the judge on the
19 phone over this issue right now. If we put it in a
20 sealed envelope, I'm happy to have you hang on to
21 it, I'll sign the envelope, we'll seal it, we'll
22 bring it before the judge at a later point in time;
23 that way, you know, without me reviewing the
24 document you haven't asserted any kind of privilege
25 to it, that way we can have this heard before the

1 judge at a later point in time, and we know that
2 it's that document.

3 MR. HARVEY: I'll give you the title of
4 the document. We don't need to keep it sealed in an
5 envelope because I'm not giving it to the court
6 reporter here to attach to the transcript.

7 MR. QUINONES: No, no, no. I'm saying you
8 can hang on to it. I'm saying, so the court
9 reporter doesn't take the document, put it in a
10 sealed envelope, I'll sign it, I'll seal it, I'll
11 give it to you, we can have this heard in front of
12 the court at a later point in time; that way, you
13 have it in your possession at all --

14 MR. HARVEY: I understand your position.
15 What I will say is I will agree to have it sealed,
16 but have a copy of it sealed because this I will
17 take with me. I'll agree to have a copy of that
18 document made by someone here at the office here --

19 MR. QUINONES: Okay.

20 MR. HARVEY: Put it in a sealed envelope
21 and kept in my possession.

22 MR. QUINONES: Because this is an original
23 document, is that the --

24 MR. HARVEY: No, because this document,
25 like I said, is brought for my purposes, for my use.

1 It's not for this. I don't know how many more times
2 I can say that.

3 MR. QUINONES: I understand.

4 MR. HARVEY: It's not been intended to
5 give it over to you.

6 MR. QUINONES: So you're saying you just
7 need a copy to be able to take --

8 MR. HARVEY: For my purposes.

9 MR. QUINONES: Yeah, that's fine. I don't
10 have an objection to that. I would suggest we do
11 that, the court reporter won't hang on to it, I'll
12 sign the envelope, we'll seal it, then we can go
13 from there.

14 MR. HARVEY: That's fine.

15 MR. QUINONES: That addresses that
16 concern.

17 MR. HARVEY: Madame Report, if you will,
18 could you ask them to make a copy of this. I'll
19 give this to you to do so you can certify that this
20 is that document.

21 (A recess transpired.)

22 MR. QUINONES: We've now made a copy of
23 the document. So that's not the original, correct?

24 MR. HARVEY: Actually, you know what, I'm
25 sorry, I can't agree to read the title of it

1 because, as I said, this wasn't produced for these
2 purposes. I'm not going to go to that extent. I
3 will say I have this document and we can figure out
4 something to do with it, but I can't read -- I'm not
5 going to read any part of the document into the
6 record for identification purposes.

7 MR. QUINONES: That's fine. Maybe at the
8 end of the deposition we can see if we can track
9 down maybe from another office an envelope.

10 MR. HARVEY: Sure. I have no problem with
11 that.

12 MR. QUINONES: Worst case scenario, I
13 mean, as an officer of the court, if I sign the back
14 page of the document I'll --

15 MR. HARVEY: Sure. I'll do the same
16 thing. And I'll agree to hold it in trust for these
17 proceedings.

18 MR. QUINONES: Yeah, something along those
19 lines if we're not able to find an envelope. I
20 think if we go downstairs or something we'll be able
21 to find something.

22 MR. HARVEY: I think we can agree on that.

23 MR. QUINONES: So we'll address that on
24 the end.

25 BY MR. QUINONES:

1 Q. Previously you stated that you reviewed
2 the investor codes as the processor of these
3 documents?

4 A. Yes, sir.

5 Q. And you said in this instance you had not
6 reviewed the investor code?

7 A. Not personally.

8 Q. Do you know who did review the investor
9 code?

10 A. No, sir.

11 Q. So in this circumstance, the investor in
12 this case would be -- who would the investor in this
13 case be?

14 A. To my knowledge, it's Wells Fargo.

15 Q. And again, what do you base that
16 knowledge upon?

17 A. The matrix, as well as the document it
18 states up there that Wells Fargo --

19 Q. When you say the document?

20 A. The Affidavit.

21 Q. The Affidavit. Okay. So there's other
22 investors that potentially you would sign on behalf
23 of, correct?

24 A. Correct.

25 Q. Who are the other investors that you can

1 sign on behalf of?

2 A. There's too many to list.

3 MR. HARVEY: Object to relevance.

4 Q. In this circumstance Wells Fargo is the
5 investor?

6 A. To my knowledge.

7 Q. To your knowledge. Can you name a few of
8 the other investors that you potentially can sign on
9 behalf of?

10 MR. HARVEY: Same objection.

11 THE WITNESS: Sir, I don't know that
12 offhand; I mean, there's too many.

13 BY MR. QUINONES:

14 Q. Would those other investors -- and again,
15 I can't review this document right now, we're going
16 to address that at another point in time, that
17 authority for you to sign on behalf of Wells Fargo
18 for these other investors that you signed for, is
19 there another document giving you authority to sign
20 on behalf of them?

21 A. No, sir.

22 Q. So you strictly sign only on behalf of
23 Wells Fargo?

24 A. Wells Fargo.

25 Q. So you don't work for any other company

1 besides Wells Fargo?

2 A. No, sir.

3 Q. If you say that there's too many
4 investors potentially to name, can you recall one
5 offhand that you sign --

6 A. Deutsche Bank might be one.

7 MR. HARVEY: Same objection.

8 MR. QUINONES: If you want, we can
9 stipulate any objection other than form can be
10 preserved, if you like; I mean, going forward, do
11 you want to stipulate to that?

12 MR. HARVEY: That's fine.

13 BY MR. QUINONES:

14 Q. Okay. So Deutsche Bank is another
15 investor that you may sign on behalf of. Can you
16 name any other investors?

17 A. Maybe Bank of New York. Real big one of
18 ours is Bank of America.

19 Q. Any others that you can recall?

20 A. No, sir.

21 Q. And when you say there's too many; I
22 mean, potentially there's more than 20?

23 A. More than likely, yes, sir.

24 Q. And these are loans that Wells Fargo is
25 servicing; is that correct, with these other

1 investors?

2 A. Correct, either/or, whether they're
3 servicing or they're subservicing.

4 Q. Subservicing?

5 A. Correct.

6 Q. What does that mean?

7 A. Subservicing is when they're actually not
8 the master servicer of the loan.

9 Q. What is a master servicer of the loan?

10 A. Sir, I'm not sure. I mean, that's not in
11 my process, so I wouldn't be able to go into too
12 much detail.

13 Q. And that's fair enough. I don't
14 understand the process at all. For example, in this
15 case, would Wells Fargo be a master servicer?

16 A. To my knowledge, yes, sir.

17 Q. Upon what do you base that knowledge?

18 A. Not personal. It's not personal
19 knowledge. Like I said, that was already verified
20 and done with the attorney and the liaison.

21 Q. What would be an example of -- and I'm
22 just trying to understand, what would be an example
23 of a subservicing situation where they're not a
24 master servicer?

25 A. I wouldn't be able to give you one. As I

1 stated before, I don't -- that's not part of my
2 process, so I wouldn't be able to give you an
3 example.

4 Q. Well, how do you even know that it
5 exists, the subservicing?

6 A. We would have to contact the liaison or
7 the attorney's office.

8 Q. So that would be something outside of the
9 ordinary that you would contact the liaison for?

10 A. Correct.

11 Q. In reviewing a document before you sign,
12 what would be an indication that there's a
13 subservicing agreement on it?

14 A. As I've stated before, when I'm signing
15 these documents the only thing I would be looking
16 for is that my information in there is correct. I
17 would have no knowledge of the Affidavit,
18 whatsoever.

19 Q. Okay. And back to that testimony. In
20 this case in particular, with the Affidavit in
21 question, that's all you've done here is verify
22 those two pieces of information for accuracy?

23 A. Correct.

24 Q. When I say those two pieces, to be clear,
25 those two blanks we discussed at the very beginning

1 with your name at the very top in Paragraph 2 where
2 it's filled in that says: Vice President of Loan
3 Documentation?

4 A. Correct.

5 Q. Do you know who -- did Wells Fargo
6 originate this loan?

7 A. Not to my knowledge. I wouldn't be able
8 to answer that question.

9 Q. Would you have anything here in your
10 capacity today that would --

11 A. No, sir.

12 Q. So reviewing the Affidavit, you would not
13 be able to tell whether Wells Fargo originated this
14 loan?

15 A. Correct.

16 MR. HARVEY: Note for the record, the
17 original mortgage is on file with the court and has
18 been provided to counsel.

19 Q. I'm going to have you look at this
20 document. Have you seen this document before?

21 MR. QUINONES: And I have a copy for
22 Counsel, if you like.

23 A. No, sir.

24 Q. You've not seen this document?

25 A. No.

1 Q. Could you read this sentence?

2 MR. HARVEY: Counsel, where is this
3 questioning going?

4 MR. QUINONES: I'm just merely -- well,
5 let me ask and then we'll see.

6 BY MR. QUINONES:

7 Q. Can you read here where it says who the
8 lender here is in this transaction?

9 A. Florida Lending Authority.

10 Q. You, at no point in time, worked for
11 Florida Lending Authority, correct?

12 A. Correct.

13 Q. You would have no knowledge of the way
14 Florida Lending Authority keeps its books and
15 records, correct?

16 A. Correct.

17 Q. I just want to draw your attention. This
18 is Page 1 on the back of the note, it says:
19 Endorsement Allonge to Note, pay to the order of
20 Ohio Savings Bank; is that correct?

21 A. Correct.

22 Q. And you, at no point in time, worked for
23 Ohio Savings Bank, correct?

24 A. Correct.

25 Q. And you have no personal knowledge of the

1 business records and how they're kept within
2 Ohio Savings Bank, correct?

3 A. Correct.

4 (DFT. EXH. 3, SUMMONS, was marked for
5 identification.)

6 Q. I'd like this to be marked as Exhibit 3.

7 Now, are you aware in this case that the
8 Affidavit that you executed on May 6, 2009 has been
9 withdrawn in this action?

10 A. To my knowledge, it has been.

11 Q. Upon --

12 A. And advised by counsel.

13 Q. You've been advised by counsel; is that
14 correct?

15 A. Correct.

16 Q. Do you know why it has been withdrawn?

17 A. No, sir.

18 MR. HARVEY: Object to the question.
19 You're going into privilege matters, Counsel. I'm
20 not going to allow you to continue to ask her about
21 why the Affidavit may have been withdraw.

22 MR. QUINONES: I'm just asking for her
23 personal knowledge, not any --

24 MR. HARVEY: And her knowledge came from
25 counsel, she just said.

1 BY MR. QUINONES:

2 Q. Okay. I'm not asking for communications
3 that you've had from counsel or anything that
4 counsel's indicated to you, but do you have any
5 knowledge, aside from what your counsel has
6 indicated to you, as to why this has been withdrawn?

7 A. No.

8 Q. Okay. Now, you're here today represented
9 by counsel, correct?

10 A. To my knowledge.

11 MR. HARVEY: Yes.

12 Q. Now, counsel here today represents
13 Wells Fargo in this action, correct?

14 A. Correct.

15 Q. Does counsel represent you, as well?

16 A. To my knowledge, yes, sir.

17 Q. Upon what do you base that knowledge?

18 MR. HARVEY: Counsel, to what distinction
19 are you trying to draw? She is here as a
20 representative of Wells Fargo, that's all the extent
21 of her deposition allows, and she's represented
22 pursuant to this deposition via her employment
23 relationship with Wells Fargo, who is my client.

24 MR. QUINONES: Okay.

25 MR. HARVEY: So anything other than that,

1 where are you trying to go?

2 MR. QUINONES: I'm asking the witness if
3 she's represented here today on her individual
4 capacity by counsel.

5 MR. HARVEY: She's not here as an
6 individual capacity. She's not a personal party
7 name to this lawsuit, so you can skip that question
8 and move on.

9 MR. QUINONES: Okay.

10 Well, I'm going to -- I haven't heard an
11 objection, I just heard a statement.

12 BY MR. QUINONES:

13 Q. To your knowledge, you are represented
14 today by counsel, correct?

15 A. On behalf of Wells Fargo, yes.

16 Q. On behalf of Wells Fargo. Okay. I just
17 want to go over a few more things here. Previously
18 you've stated that you rely on the attorney and the
19 liaison working on the file in these cases, correct?

20 A. Correct.

21 Q. Do you know what the liasons'
22 responsibilities are, what they do?

23 A. Not specific, no, sir.

24 Q. Do you know generally what they do?

25 A. Not necessarily, because like I said,

1 that's not in my job description, so it's not a
2 process that we run, as far as knowing other
3 people's job duties; I mean, I wouldn't know to tell
4 you specifically what they do or generally what they
5 do.

6 Q. I mean, how many different liaisons do
7 you interact with throughout the capacity of your
8 job?

9 A. I mean, there's many liaisons that we
10 interact with.

11 Q. More than ten, that you can think of?

12 A. Probably.

13 Q. And these liaisons are within the
14 foreclosure department?

15 A. Correct.

16 Q. Is that -- you're using the term liaison,
17 is that what their job title is?

18 A. Correct.

19 MR. QUINONES: If we can take a three
20 minute break, go off the record, I think I might be
21 done with my line of questioning. I just want to
22 review my notes.

23 (A recess transpired.)

24 MR. QUINONES: I don't have any further
25 questions.

EXAMINATION

1
2 BY MR. HARVEY:

3 Q. I have a few follow ups, and obviously
4 we'll go from there. As Counsel's line of
5 questioning has already gone into, you've been
6 notified that your Affidavit in this matter has been
7 withdrawn, correct?

8 A. Correct.

9 Q. Have you been asked to execute another
10 Affidavit in this matter?

11 A. No, sir.

12 Q. Have you been asked to give testimony at
13 trial, should one come up?

14 A. No, sir.

15 Q. As far as you know, you have no further
16 involvement with this matter, other than the
17 initially executed Affidavit; is that correct?

18 A. That is correct.

19 Q. Has anyone indicated to you that the
20 Affidavit you signed in this case contained any
21 false information?

22 A. No, sir.

23 Q. Has anyone indicated that specifically
24 the numbers in Paragraph 4 of the Affidavit were
25 incorrect?

1 A. No, sir.

2 Q. You work for Wells Fargo, correct?

3 A. Correct.

4 Q. And you would not execute an Affidavit on
5 behalf of another entity, other than Wells Fargo,
6 because that's who you work for, correct?

7 A. Correct.

8 Q. Would Wells Fargo be in the habit of
9 having you sign affidavits for loans it does not
10 service?

11 A. No, sir, not to my knowledge.

12 Q. So your understanding, obviously, that
13 the subject loan is serviced by Wells Fargo pursuant
14 to you signing the Affidavit and having been
15 assigned that task, correct?

16 A. Correct.

17 Q. Has anyone ever told you that Wells Fargo
18 is not the servicer of this loan?

19 A. No, sir.

20 Q. Going back to what I think we marked
21 as -- what was the Affidavit, excuse me, was that 1
22 or 2 -- what Counsel's marked here as Defendant's
23 Exhibit 2. This is a copy of the Affidavit that is
24 in question, and I'd like to refer you to
25 Paragraph 1 mid-way through the first sentence: In

1 support of Plaintiff's Motion for Final Judgment for
2 the purpose of showing that there is no genuine
3 issue to any material fact. Counsel asked you about
4 this paragraph during his line of questioning, and
5 for your understanding -- excuse me. I'll rephrase.
6 You stated you did not understand what genuine issue
7 of material fact meant, correct?

8 A. Correct.

9 Q. To your knowledge, is there anything that
10 would prevent Wells Fargo from being able to
11 foreclose upon this mortgage, that you know of?

12 A. No, sir, not to my knowledge.

13 Q. To your knowledge, because you've signed
14 the Affidavit in this matter, and that was based
15 upon numbers that were provided to you, you assume
16 those numbers were correct, correct?

17 A. Correct.

18 Q. And within those numbers the Affidavit
19 under Paragraph 4 shows amounts that are due and
20 owing on the subject loan, correct?

21 A. Correct.

22 Q. And obviously, to your knowledge, as an
23 employee of Wells Fargo and experiences dealing with
24 these matters, Wells Fargo is entitled to foreclose
25 upon the mortgage because the subject mortgage is in

1 default, according to the numbers shown in the
2 Affidavit, correct?

3 A. Correct.

4 Q. And just based upon your relationship
5 with Wells Fargo as their employee that they are the
6 servicer of the loan, correct -- strike that. Don't
7 even worry about that.

8 And just to clean up from Counsel's
9 questions a moment ago, you work for Wells Fargo
10 Bank, N.A., correct?

11 A. Correct.

12 Q. But you had no knowledge necessarily of
13 their succession to Wells Fargo Home Mortgage, Inc.,
14 correct?

15 A. Correct.

16 Q. And going back to the position of the
17 foreclosure liaison we discussed. You say that the
18 foreclosure liaison, at least one of that person's
19 duties is to varify and provide the numbers that
20 support this Affidavit, correct?

21 A. Correct.

22 Q. And those numbers have been reviewed
23 prior to them coming to you, correct?

24 A. To my knowledge, they should have, yes,
25 sir.

1 Q. Outside of that description, you do not
2 know what other duties the foreclosure liaison has,
3 correct?

4 A. Correct.

5 MR. HARVEY: I have no more questions.

6 EXAMINATION

7 BY MR. QUINONES:

8 Q. I just have a few follow ups from that.
9 You just stated that it was your understanding that
10 this loan is in default, correct?

11 A. Correct.

12 Q. Upon what do you base that knowledge?

13 A. Well, we are in foreclosure, so the
14 documents that come to us are foreclosure documents.

15 Q. When you say we are in foreclosure --

16 A. Doc execution executes foreclosure
17 documents.

18 MR. HARVEY: Just let him finish asking
19 the question before you answer.

20 THE WITNESS: Sorry.

21 BY MR. QUINONES:

22 Q. So you're saying your team is in the
23 foreclosure department?

24 A. Correct.

25 Q. But are you able to review anything on

1 this Affidavit to be able to tell you that this loan
2 is, in fact, in default?

3 A. No, sir.

4 Q. Now, you just testified that it was your
5 understanding that there is no genuine issue of
6 material fact in this particular case, correct?

7 MR. HARVEY: Objection,
8 mischaracterization of testimony. If you want the
9 court reporter to read back what her answer was and
10 what my question was, that would be one thing --

11 MR. QUINONES: Yeah, let's do that. I
12 want to make sure --

13 MR. HARVEY: But if you want to go off the
14 record for a second, my question was: Do you know
15 of nothing that will prevent Wells Fargo from
16 foreclosing this mortgage, I believe was my
17 question.

18 MR. QUINONES: Okay. That narrows. I
19 appreciate that.

20 BY MR. QUINONES:

21 Q. You don't know of anything preventing
22 Wells Fargo from foreclosing this loan, correct?

23 A. Correct.

24 Q. Have you had an opportunity to review the
25 Defendant's Answer and Affirmative Defenses in this

1 case?

2 A. No, sir.

3 Q. Just want to make it clear, so you have
4 not seen this document then, correct?

5 A. Correct.

6 (DFT. EXH. 4, ANSWER AND AFFIRMATIVE
7 DEFENSES, was marked for identification.)

8 Q. For the record, it's labeled Answer and
9 Affirmative Defenses. Let's have this marked as
10 Exhibit 4, please.

11 Now, I believe you stated that the one
12 duty that you were aware of within the foreclosure
13 liaison's job description is reviewing the numbers,
14 correct?

15 A. Correct.

16 Q. Do you know if the foreclosure liaison
17 reviews any other aspect of this Affidavit of the
18 amounts due and owing?

19 A. No, sir, I don't.

20 Q. Okay. You don't know whether they do or
21 not review any other aspect of this affidavit?

22 A. To my --

23 MR. HARVEY: Form.

24 Q. I will rephrase. Is there any other
25 aspect of this document that the foreclosure liaison

1 reviews, within your knowledge?

2 A. No, sir. Within my knowledge, I don't
3 know.

4 Q. So you believe their only responsibility
5 is to review the numbers mentioned in Paragraph 4,
6 correct?

7 A. Like I said, I mean, that's not -- I
8 don't run their process up there, so I'm not exactly
9 sure what they review on the document. All I know
10 is the document is reviewed and forwarded to us for
11 execution.

12 Q. But you just testified that you know that
13 they review the numbers, correct?

14 A. They should, correct.

15 Q. They should. But you don't know if that
16 actually occurred here in this case?

17 A. Correct.

18 Q. So there's a potential that they did not
19 review the numbers in this case?

20 A. Could be a possibility, correct.

21 MR. QUINONES: I have no further
22 questions.

23 MR. HARVEY: We'll read.

24 (The witness, after having been advised of
25 her right to read and sign this transcript, not

1 waive that right.)

2 (The deposition was concluded at
3 approximately 12:10 p.m.)

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SIGNATURE OF DEPONENT

I, the undersigned, XEE MOUA, do hereby certify that I have read the foregoing deposition and find it to be a true and accurate transcription of my testimony, with the following corrections, if any:

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XEE MOUA Date

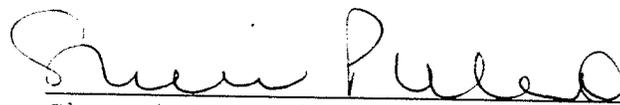
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CERTIFICATE OF REPORTER

I, Sherri L. Puleo, Shorthand Reporter and Notary Public for the State of North Carolina at Large, do hereby certify that the foregoing transcript is a true, accurate, and complete record.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 15th day of March, 2010, at Mecklenburg County, North Carolina.



Sherri L. Puleo, Shorthand Reporter
Notary Public # 200705900116

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REQUESTED INFORMATION INDEX

(No Information Requested)

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