

REVER0033010.txt

1 APPEARANCES OF COUNSEL:

2
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4 (VIA SKYPE)

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3 FOR THE DEBTOR: (VIA SKYPE)

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5 LAW OFFICES OF LINDA TIRELLI
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1 APPEARANCES OF COUNSEL (CONTINUED):

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1 I N D E X

2 VOLUME I

3 Page 3

7 C.C.P. Section 2094, testified under penalty of
8 perjury as follows:

EXAMINATION

10 BY MR. ZIPES:

11 Q. Good morning, Mr. Reyes. My name is Greg
12 Zipes, that is Z I P E S. I'm with the office of
13 the United States Trustee. And we're holding this
14 deposition by Skype. There is a court reporter
15 present with you, I understand.

16 And I just want to get a few housekeeping
17 matters out of the way. I'm asking questions. You
18 should wait to hear my questions in full before you
19 try to answer. You need to verbalize your answers.
20 And if your attorney objects, you can still answer
21 the questions. But if you don't understand a
22 question posed by me, you could ask me to repeat it.
23 Don't try to guess or speculate.
24 So do you understand that, Mr. Reyes?
25

6

1 A. Yes.

2 Q. As I stated, we're conducting this
3 deposition by Skype and by telephone. It's
4 important that you not review any documents,
5 BlackBerry's or anything else under oath that I
6 can't see and without me knowing about it.
7 Do you understand that?

8 A. Yes.
9 Q. Mr. Reyes, you are not testifying from
10 your office today; is that correct?

11 A. Yes.

12 Q. And you are testifying from your home?

13 A. Yes.

14 Q. Can you state the town where you are
15 located?

16 MR. TETTELBAUM: Objection. You don't
17 have to answer that question. For the record, this
18 is Jay Tettelbaum. Mr. Reyes is testifying from
19 home because the institution where he works Deutsche
20 Bank has security measures in place that do not
21 allow the download of Skype or for him to bring a
22 personal computer and tie it into their computer
23 system or via wireless internet. So we are doing
24 this from Mr. Reyes' home. Mr. Reyes will provide
25 his business address and that is it.

7

1 He has provided to the court reporter, and
2 I would like the court reporter to confirm she has
3 reviewed Mr. Reyes' driver's license and his
4 Deutsche Bank ID to confirm his identity.

5 THE REPORTER: Yes.

6 MR. TETTELBAUM: Would the court reporter
7 just confirm that?

8 THE REPORTER: Yes. And it is the same
9 person.

10 MR. ZIPES: Is the driver's license a
11 valid license?

12 THE REPORTER: Yes.

13 BY MR. ZIPES:

14 Q. Okay. I guess I'll ask the witness?

15 A. Yes.

16 Q. It's a California license?

17 A. Yes.

18 Q. And you are currently an employee at the

19 Deutsche Bank?

20 A. Yes.

21 Q. Is that the full name of the company you

22 work at?

23 A. No.

24 Q. What is the full name of the company?

25 A. Deutsche Bank National Trust Company.

11 else today; correct?

12 MR. TEITELBAUM: Objection.

13 MR. ZIPES: You can answer.

14 THE WITNESS: Correct.

15 BY MR. ZIPES:

16 Q. Did you review any documents, Mr. Reyes,

17 prior to today's deposition?

18 A. Yes.

19 Q. What did you review and when?

20 A. The Pooling and Servicing Agreement

21 related to Long Beach Mortgage Loan Trust 2006-2.

22 The mortgage loan purchase agreement.

23 Q. Anything else?

24 A. The mortgage file related to the borrower

25 Nuer.

1 Q. Anything else?

2 A. The contents of the binder that you
3 referred to earlier.

4 Q. UST's binder?

5 A. Yes.

6 Q. When did you review these documents last
7 that you just referred to?

8 A. Yesterday.

9 Q. Who did you review them with, if anybody?

10 A. Counsel.

11 Q. Did you review them with anybody other

12 than counsel?

13 A. NO.
 14 Q. Prior to reviewing them for this
 15 deposition when was the last time you had reviewed
 16 these documents, if at all?
 17 A. I don't recall.
 18 Q. Do you recall reviewing them at some
 19 point?
 20 A. During the course of business I have
 21 reviewed the Pooling and Servicing Agreement for
 22 Long Beach 2006-2.
 23 Q. Mr. Reyes, have you been deposed in the
 24 last two years?
 25 A. Yes.

10

1 Q. How often? How many times have you been
 2 deposed?
 3 A. I don't recall.
 4 Q. Can you give me an estimate? More than
 5 five? fewer than five?
 6 A. More than five.
 7 Q. More than ten?
 8 A. I don't know.
 9 Q. Have you -- so you understand what being
 10 under oath is; correct?
 11 A. Yes.
 12 Q. Have you ever testified in court in the
 13 last two years?

14 A. Yes.
 15 Q. How many times have you testified in
 16 court?
 17 A. Three times.
 18 Q. Tell me are you employed by any Deutsche
 19 Bank affiliates?
 20 MR. TITELBAUM: Objection.
 21 You can answer the question.
 22 THE WITNESS: I have signing authority for
 23 Deutsche Bank Trust Company Americas.
 24 BY MR. ZIPES:
 25 Q. Okay. Let me back up a little bit here.

11

1 when did you -- what is your level of schooling?
 2 A. I have an economic's degree from UCLA.
 3 Q. When did you get that degree?
 4 A. June 1989.
 5 Q. Did you go to college right after high
 6 school?
 7 A. Yes.
 8 Q. Do you have any post college degrees or
 9 education?
 10 A. No.
 11 Q. Do you hold any professional licenses?
 12 A. No.
 13 Q. Okay. I'm going to ask you generally,
 14 after college, how many places did you work at, and
 15 I'm trying to get a sense of it so I can find out if

16 I need to get more in depth with respect to some of
17 these places of business. How many different
18 companies did you work at other than Deutsche Bank
19 after college?
20 A. Five.
21 Q. All right. Let's start with Deutsche
22 Bank, how long have you been at Deutsche Bank?
23 A. Since May of 1998.
24 Q. All right. Prior to that time did you
25 have a job for more than two years, one of those

12

1 five jobs that you referred to, five companies?
2 A. Yes.
3 Q. Okay. So tell me where you worked for
4 more than two years prior to being at Deutsche Bank?
5 A. I worked at Security Pacific National Bank
6 which later merged into Bank of America.
7 Q. Okay. How long did you work there and
8 what was your job function?
9 A. Seven years.
10 Q. Did you hold more than one position there?
11 A. Yes.
12 Q. Okay. Why don't you tell me what your
13 last position there was, your title and what you
14 did?
15 A. My last position at Bank of America was an
16 internal auditor position.

17 Q. Tell me what you did as for your internal
18 auditor position?
19 A. We conducted retail banking audits in the
20 Western United States.
21 Q. It required you to travel?
22 A. Yes.
23 Q. What was the time period for this
24 position?
25 A. From 1995 to 1998.

13

1 Q. Was that the job you had previous to --
2 the last job you had previous to joining Deutsche
3 Bank?
4 A. Yes.
5 Q. Good. That eliminates some questions,
6 then. Okay. Tell me about Deutsche Bank. What was
7 your first -- what is your current title at Deutsche
8 Bank?
9 A. Vice president.
10 Q. Uh-huh. And that's it?
11 A. Yes.
12 Q. What are your job responsibilities right
13 now and how long have you had these job
14 responsibilities? I'm asking a compound question
15 which is not appropriate, but we're trying to cut
16 here --
17 MR. TETTELBAUM: Trying to move it along.
18 MR. ZIPES: Yeah.
Page 13

19 THE WITNESS: I manage employees in
 20 Deutsche Bank Mortgage Backed Securities Group. I
 21 have managed employees since 2001.
 22 BY MR. ZIPES:
 23 Q. You've had this position since 2001 at
 24 Deutsche Bank? VP?
 25 A. I have managed employees since 2001;

14

1 however, I was granted the vice president
 2 designation in December of 2005.
 3 Q. Let's just focus on this time period 2005
 4 to present, has your job required you to do any
 5 traveling?
 6 MR. TETTELBAUM: Objection.
 7 Go ahead, you can answer.
 8 THE WITNESS: Yes.
 9 BY MR. ZIPES:
 10 Q. Why do you travel as part of your job?
 11 MR. TETTELBAUM: Objection. For the
 12 record, it's just totally irrelevant.
 13 But you can answer the question.
 14 (Phone vibrating.)
 15 THE WITNESS: I have traveled on business
 16 due to new business closings, conf--
 17 MR. TETTELBAUM: Hang on a second. If
 18 someone has got a BlackBerry that is beeping, it's
 19 just coming through the speaker, so you may want to

Page 14

20 just put it on silent.
 21 THE WITNESS: Sorry. That was mine. I'm
 22 sorry. I'll put it away.
 23 MR. TETTELBAUM: Sorry. Go ahead.
 24 THE WITNESS: Yes, I have traveled for new
 25 business closings, conferences, depositions and

15

1 trials.
 2 BY MR. ZIPES:
 3 Q. Are you in charge of a specific
 4 geographical area?
 5 A. No.
 6 Q. You could appear throughout -- well, tell
 7 me what your department does or what you oversee
 8 exactly?
 9 A. We provide trustee and mortgage document
 10 services for securitization trusts.
 11 Q. What is your understanding of what a trust
 12 is?
 13 MR. TETTELBAUM: Objection.
 14 You can answer the question.
 15 Let me just -- is it in the context of
 16 Mr. Reyes' employment?
 17 MR. ZIPES: Yes.
 18 MR. TETTELBAUM: Okay. Go ahead.
 19 BY MR. ZIPES:
 20 Q. You mentioned the word "trust" so I just
 21 want to know what it is. Tell me what a trust is in

Page 15

22 the context of your employment?
 23 A. In the context of my employment a trust
 24 has segregated assets in the case of securitization
 25 mortgage pools.

16

1 Q. Do you deal with mortgage, residential
 2 mortgage only?
 3 A. No.
 4 Q. As you describe what you do, do you
 5 oversee that on behalf of Deutsche Bank or do you
 6 work for someone who oversees that operation?
 7 A. I oversee administrators who administer
 8 trust accounts.
 9 Q. Are you in a particular department or
 10 division of Deutsche Bank?
 11 A. Yes.
 12 Q. What is the name of that division or what
 13 shall I call it division? Department?
 14 A. It's referred to as Structured Finance
 15 Group.
 16 Q. So you stated that you oversee individual
 17 administrators?
 18 A. Yes.
 19 Q. And who do you report to?
 20 A. David Co, C O.
 21 Q. Is he in the Structured Finance Group as
 22 well?

Page 16

23 A. Yes.
 24 Q. What is his position?
 25 A. Director.

17

1 Q. All right. And who does he report to?
 2 Does he report to someone in the Structured Finance
 3 Group as well?
 4 MR. TETTELBAUM: Objection.
 5 You can answer.
 6 THE WITNESS: Yes.
 7 BY MR. ZIPES:
 8 Q. So what is the name of the person he
 9 reports to?
 10 A. Gary Vaughan, V A U G H A N.
 11 Q. And what is his position?
 12 MR. TETTELBAUM: Objection.
 13 You can answer.
 14 THE WITNESS: Managing director.
 15 BY MR. ZIPES:
 16 Q. Does he report to someone within the
 17 Structured Finance Group?
 18 A. Yes.
 19 Q. Okay. Before I ask you who that is, how
 20 many more levels, if you know, are within the
 21 Structured Finance Group?
 22 A. I know of at least three more levels above
 23 that level. I don't know.
 24 Q. So does -- tell me your immediate -- I'll

Page 17

1 he oversee people in your position or does he
2 oversee administrators as well? or tell me what he
3 does?

4 MR. TETTELBAUM: objection to form.
5 objection, relevance.

6 go ahead.

7 THE WITNESS: David Co manages the trust
8 and custodial administration businesses.

9 (lost sound on Skype.)

10 THE WITNESS: sorry, we have momentarily
11 lost volume there.

12 BY MR. ZIPES:

13 Q. Okay. I'm sorry. You mentioned you had
14 signing authority for different Deutsche Bank
15 entity, can you please tell me again what the name
16 of that entity was?

17 MR. TETTELBAUM: objection, relevance.

18 go ahead.

19 THE WITNESS: Deutsche Bank Trust Company
20 Americas.

21 MR. TETTELBAUM: before you ask the next
22 question, I just want to make sure my objections are
23 being -- they are coming through; right, Ronaldo?

24 THE WITNESS: Yes, Jay.

25 MR. TETTELBAUM: Thank you.

1 MS. CHARNEY: would it be helpful if we
2 just gave him a standing objection to relevancy?

3 MR. TETTELBAUM: No, it's okay.

4 MR. CHARNEY: I think that is basically
5 what Judge Gerber did at the February hearing.

6 MR. TETTELBAUM: It's okay. I appreciate
7 it. Thank you.

8 MS. CHARNEY: Okay. Well, I would
9 appreciate it when you make your objections you

10 don't say it's not relevant, which is what you've
11 done a couple times so that concerns me as far as

12 leading the witness. So just relevance, just leave
13 it at the word would be helpful.

14 MR. TETTELBAUM: I'll state my objections
15 the way I see fit. I appreciate it.

16 And just for clarity, Ms. Charney, I would
17 like to know which one of the two of you is going to
18 be conducting this deposition?

19 MS. CHARNEY: Me.

20 MR. TETTELBAUM: Thank you. So you are
21 going to be handling the deposition?

22 MS. CHARNEY: Yes.

23 MR. TETTELBAUM: Okay. Thank you.

24 THE REPORTER: Okay. Who was speaking?
25 This is the reporter.

1 MR. TEITELBAUM: That was Ms. Charney.
 2 THE REPORTER: Okay. Well, I don't know
 3 that. I can't see you. I need you to identify who
 4 you are.
 5 MR. TEITELBAUM: She's being picked up on
 6 the mic but not on video right now. All right. So
 7 we'll be more careful. We apologize. Before
 8 someone speaks they'll state their name. Sorry to
 9 interrupt. I just wanted to make sure we were all
 10 being heard.
 11 BY MR. ZIPES:
 12 Q. And, Mr. Reyes, you heard the name Silvia
 13 Nuer before today; correct?
 14 A. Yes.
 15 Q. What is your understanding of Deutsche
 16 Bank's connection to the Silvia Nuer case?
 17 MR. TEITELBAUM: Objection.
 18 Go ahead.
 19 THE WITNESS: It's a foreclosure matter.
 20 BY MR. ZIPES:
 21 Q. What is -- I didn't ask that question the
 22 best way. What is Deutsche Bank's -- what is
 23 Deutsche Bank's connection to the Silvia Nuer case,
 24 the mortgage?
 25 MR. TEITELBAUM: The loan.

21

1 THE WITNESS: Deutsche Bank National Trust
 2 Company acts as trustee of Long Beach Mortgage Loan
 3 Trust 2006-2. The Nuer loan is a part of the pool
 4 of loans that are the assets of that trust.
 5 BY MR. ZIPES:
 6 Q. Okay. I'll call it the Silvia Nuer loan,
 7 is that a good way of referring to your file?
 8 A. Yes.
 9 Q. Okay. So when did you personally start --
 10 first see the Silvia Nuer loan?
 11 A. Yesterday.
 12 Q. Okay. Again, I'm not being clear. Let me
 13 refer to it as a mortgage file, is that okay?
 14 A. Yes.
 15 Q. When was the first time you personally
 16 worked on any matters relating to the Silvia Nuer
 17 mortgage file during your employment at Deutsche
 18 Bank?
 19 MR. TEITELBAUM: Objection. Greg, when
 20 you say worked on --
 21 MS. TIRELLI: This is Ms. Tirelli, state
 22 your name for the reporter.
 23 MR. TEITELBAUM: The court reporter has my
 24 name. Jay Teitelbaum. She knows that.
 25 THE REPORTER: I know that. I just don't

22

1 understand the ladies. You need to distinguish,
2 please --

3 MS. TIRELLI: This is Ms. Tirelli. I am
4 just asking that Jay adhere to what we just agreed
5 to that everybody will state their name before
6 speaking.

7 MR. TEITELBAUM: And I'm going to ask that
8 if Ms. Charney is going to be doing the deposition,
9 that Ms. Charney speak. The question is frankly,
10 and the objection is a little bit confusing in that
11 it's assuming that Mr. Reyes has responsibility for
12 doing something with respect to this loan as opposed
13 to reviewing the documents in connection with this
14 deposition. So if you want to clarify that, that's
15 fine.

16 MR. ZIPES: I think my question was clear,
17 but if that is a clearer -- if you understand
18 counsel's question the way he phrased it, that is
19 fine.

20 THE WITNESS: Repeat the question, please.
21 BY MR. ZIPES:
22 Q. Let me just start again. You are familiar
23 with the Silvia Nuer mortgage file; correct?

24 A. Yes.
25 Q. When did you first personally review the
23

2 A. Yesterday.
3 Q. What do you consider to be the Silvia Nuer
4 mortgage file?

5 A. The documents that Deutsche Bank National
6 Trust Company as trustee received effective the
7 closing date of Long Beach 2006-2 which is March
8 7th, 2006.

9 Q. Okay. Mr. Reyes, I sent a binder there
10 which should be before you, it's the UST -- I call
11 it the UST, United States Trustee Exhibit Binder, do
12 you have that?

13 A. Yes.
14 MR. ZIPES: Okay. I'll ask that you turn
15 to what I marked as Index No. 6 and I'll ask the
16 court reporter to mark that as UST Exhibit 1.

17 MR. TEITELBAUM: UST/Reyes 1.
18 MR. ZIPES: Yes. I think we are doing it
19 that way. UST/Reyes 1.
20 THE REPORTER: Okay.

21 (UST/Reyes Exhibit 1 was marked for
22 identification and is bound separately.)
23 BY MR. ZIPES:
24 Q. Okay. Mr. Reyes, I'll ask that you review
25 that document and ask you if you recognize this
24

1 document.

2 A. Yes.
3 Q. What is this document?
Page 23

4 A. Affidavit of Ronaldo Reyes.

5 Q. In the Silvia Nuer case. Just for
6 identification purposes, in the Silvia Nuer case.
7 And that is dated February 22nd, 2010, if you look
8 at the last page?

9 A. Yes.

10 Q. Did you review any documents in the Silvia
11 Nuer file before preparing or signing this
12 affidavit?

13 A. Yes.

14 Q. Okay. I might not have been clear with my
15 question before, what documents did you review in
16 preparing this affidavit?

17 A. I reviewed our system of record.

18 Q. And when I was referring to the Silvia
19 Nuer file before, I was referring to any document in
20 the file. My question before was when did you first
21 review the Silvia Nuer mortgage file? And I believe
22 you said yesterday. So I'm trying to get
23 clarification on this.

24 A. Yes.

25 Q. You are keeping to your answer?

25

5 UST/Reyes 2.
6 (UST/Reyes Exhibit 2 was marked for
7 identification and is bound separately.)

8 MR. REITELBAUM: Just for clarity, are you
9 including my cover letter in that?

10 MR. ZIPES: For now I'm including the
11 cover letter, yes. I'll wait for the reporter.
12 THE REPORTER: We're done.

13 BY MR. ZIPES:

14 Q. Mr. Reyes, do you see that it's a letter
15 and certain documents attached to it?

16 A. Yes.

17 Q. This is a letter dated March 5th, 2010,
18 from Jay Reitelbaum. Do you see that on the first
19 page?

20 A. Yes.

21 Q. Before reviewing this yesterday did you
22 see this letter?

23 A. No.

24 Q. Okay. Turn the page and you can take a
25 little time if you want, but I have what is marked

26

1 Bates stamped 1381 through 1383. Do you see that?

2 A. Yes.

3 Q. Do you know what this document or
4 documents are?

5 A. Yes. This is Deutsche Bank National Trust
6 Company's system of record with respect to the Nuer

1 A. Yes.

2 MR. ZIPES: Okay. Why don't you turn to
3 exhibit -- what I have marked as UST Exhibit 7 and
4 we'll mark this for identification purposes as

7 loan.

8 Q. Can you tell from these is it one document
9 or is it more than one document here?

10 A. It is three pages.

11 Q. Three pages, but I'm asking is it all the
12 same? Because you have to assume I'm starting from
13 first base here. So is this one complete document
14 or is this different documents here?

15 MR. TEITELBAUM: You are at home plate.

16 You haven't gotten to first yet.

17 THE WITNESS: This is a printout of our
18 system of record with respect to the Nuer loan.

19 BY MR. ZIPES:

20 Q. So in answer to my question, it's a single
21 document; correct? These three pages?

22 MR. TEITELBAUM: Objection. Objection.
23 You can answer.

24 THE WITNESS: Again, it's the system of
25 record.

1 BY MR. ZIPES:

2 Q. All right. When was this document
3 generated, can you tell from this document?

4 A. The first two pages, I don't know. The
5 last page it was generated on 3/3/2010. That is the
6 system of record as far as when it was printed.

7 Q. So let's focus on the third page which is

8 1383, is that the page you are looking at so we're
9 clear?

10 A. Yes.

11 MR. TEITELBAUM: For the record, the Bates
12 numbers have been put on these documents by my firm
13 for identification purposes. Those are not Deutsche
14 Bank numbers.

15 MR. ZIPES: Right. That needs to be made
16 clear. This is titled on top "Loan Inventory."

17 Correct? Just so we're on the same page.

18 THE REPORTER: I am sorry. This is titled
19 what?
20 THE WITNESS: Loan inventory.

21 BY MR. ZIPES:

22 Q. We're still at UST 2 at the moment. And
23 we're focusing on what is Bates stamped 1383. At
24 the top of that there is "Loan Inventory." Correct?

25 A. Yes.

1 Q. Okay. So is this document up-to-date as
2 of 3/3/2010?

3 A. 3/3/2010 was the system run date. That is
4 the date we printed the report.

5 Q. So would this represent the most
6 up-to-date information as of 3/3/2010?

7 A. Yes.

8 Q. Okay. Now, I don't know if it was clear
9 to me, are these other two documents 1381, Bates

10 stamped 1381 and Bates stamped 1382 are those part
 11 of the same run?
 12 MR. TEITELBAUM: Sorry, what do you mean
 13 by run?
 14 MR. ZIPES: Is this the same document?
 15 Was all of this run on 3/3/2010?
 16 THE WITNESS: I don't recall now the exact
 17 run date of the first two documents.
 18 BY MR. ZIPES:
 19 Q. Okay. Did you personally -- were you
 20 personally involved in running -- let's start with
 21 1383 which is the loan inventory page, were you
 22 personally involved with running that?
 23 A. I requested the report be run.
 24 Q. Did you personally run this report?
 25 A. No.

1 Q. Did you personally -- well, tell me, did
 2 you at any point prior to yesterday review this
 3 report?
 4 A. Yes.
 5 Q. Okay. When did you review it? And,
 6 again, we seem to be talking about two different
 7 documents right now so I'm focusing at this moment
 8 on the loan inventory, that page. Okay?
 9 A. Yes.
 10 Q. When did you personally review this

11 document?
 12 A. 3/3/2010.
 13 Q. All right. Let me turn to the other two
 14 documents 1381 and 1382.
 15 A. Yes.
 16 Q. Were you involved in the generation of --
 17 is it one document or two documents? It says on top
 18 of 1381 "Complete Loan File Information." Are these
 19 two pages part of one document?
 20 A. It's one report, yes.
 21 Q. Okay. Were you involved in generating
 22 this report?
 23 A. I requested it. I requested that it be
 24 run.
 25 Q. And you testified that you don't know when

1 exactly that was run; correct?
 2 A. Correct.
 3 Q. Are there any Deutsche Bank records that
 4 would -- that are kept that would reflect when this
 5 report was run?
 6 A. I don't know. This is a standard report
 7 that we generate.
 8 Q. Okay. I'll ask it again. Based upon the
 9 review of these documents when was your first
 10 involvement with the Nuer file? I'm not trying to
 11 trick you in any way. You testified that yesterday
 12 was the first date that you reviewed these documents

13 and I'm hearing that you have reviewed these earlier
14 than that?

15 MR. TEITELBAUM: Objection. That wasn't
16 his testimony. You asked a specific question about
17 the original mortgage file. And he answered it.

18 BY MR. ZIPES:
19 Q. So that we're clear, when I was referring
20 to the original mortgage document, what did you
21 believe that I was referring to, Mr. Reyes?

22 A. The mortgage file as defined in the
23 Pooling and Servicing Agreement.

24 Q. And tell me what that is?

25 A. Pursuant to section 2.01 of the Pooling

31

1 and Servicing Agreement it specifies the documents
2 that the trustee is supposed to receive effective
3 the closing date of the trust.

4 Q. Okay. So turning to USI's 2, other than
5 these reports -- I'm calling them a report, you call
6 them -- was there any other part of the Nuer file
7 that you reviewed prior to yesterday's date?

8 MR. TEITELBAUM: Objection.

9 THE WITNESS: As I stated previously, I
10 did review the system of record that we have with
11 respect to the Nuer loan.

12 BY MR. ZIPES:

13 Q. Okay. I'm sorry. I wasn't clear about

Page 30

14 that. So other than the documents that are referred
15 to in USI 2 have you reviewed any other documents in
16 connection with the Sylvia Nuer file prior to
17 yesterday?

18 A. No.

19 Q. Let's stay on USI Exhibit 2 for the moment
20 and the first page which is Complete Loan File
21 information after Jay's, Mr. Teitelbaum's letter.

22 A. Yes.

23 Q. Going down to the line -- do you see
24 "Classification Attribute Changes"?

25 A. Yes.

32

1 Q. What does this information represent
2 there? In general terms. I don't need specifics.
3 I just want to know what it is generally?

4 A. Maintenance updates made by the custody
5 administrator.

6 Q. Is a custody administrator a Deutsche Bank
7 employee?

8 A. Yes.

9 Q. Are all updates of whatever kind reflected
10 in this classification attribute changes?

11 A. I'm sorry, repeat the question, please?

12 Q. Are all changes of any kind in this file
13 reflected in this column "Classification Attribute
14 Changes"?

15 A. Maintenance changes are reflected. The

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16 other sections of this report reflect other
17 information such as when the loan file was withdrawn
18 from our physical custody. So there are other
19 sections in this report that reflect what has
20 occurred with the Nuer loan while it has been in the
21 physical custody of Deutsche Bank.
22 Q. Okay. What is the name of the title -- if
23 a document has been withdrawn from the custody of
24 Deutsche Bank, where is that reflected on this loan
25 file information report?

33

1 A. Under Loan File Withdrawal Information and
2 Loan File Withdrawal History.
3 Q. Okay. So these two sections would reflect
4 any time the files have left Deutsche Bank's
5 custody; correct?
6 A. Correct.
7 Q. Okay. Can you tell from this when they --
8 when the files left Deutsche Bank's custody?
9 A. The Nuer mortgage file last left Deutsche
10 Bank's physical custody on September the 3rd, 2009,
11 and it has not since been returned.
12 Q. And that "Sent To" column shows where it
13 was sent to; correct? Chase 780 Delta Drive,
14 Monroe, Louisiana?
15 A. Correct.
16 Q. Would it be the entire file that was sent?

page 32

17 Is there a way of telling from this or specific
18 documents?
19 A. It's the entire mortgage file as defined
20 in the Pooling and Servicing Agreement.
21 Q. Okay. And prior to that when -- I'm
22 reading this it looks like July 1st, 2009?
23 A. Correct.
24 Q. And "Changed on:" you see that Line 7/24?
25 would that represent when it came back?

34

1 A. Yes. That is when the file was returned.
2 Q. Does that date represent when it was
3 actually returned or does that reflect when someone
4 made an entry regarding its return?
5 A. That is the date that the file according
6 to our system of record was returned and the entry
7 was made.
8 Q. Okay. Is there somewhere on this loan
9 file report that would indicate if someone actually
10 looked at what was in the file?
11 A. Yes. Under "Loan File Transactions" the
12 initial review, the initial loan review was done on
13 1/13/2006.
14 Q. Okay. So the loan file transaction would
15 generally tell whenever someone pulled up, for lack
16 of a better word, pulled the file up to look at it?
17 A. Yes.
18 Q. Is there any where else on this loan file

page 33

19 report that would indicate, for example, under
 20 Classification Attribute Changes, would there be
 21 something here that would show when someone has
 22 reviewed the file?
 23 A. Yes. For example, on 1382 the last entry
 24 Classification Attribute Changes March 7, 2006, that
 25 represents the date that that loan went into the

35

1 securitization trust Long Beach 2006-2.
 2 Q. I don't need to know your codes
 3 necessarily, but can you tell from this how you were
 4 able to say that?
 5 A. Because that code was the last time that
 6 it was in a custodial relationship only. And then
 7 if you look on the front page of our report complete
 8 Loan File Information the issue LB0602 refers to
 9 this trust Long Beach 2006-2.
 10 Q. Can I tell that from this report or do you
 11 know that from some other information?
 12 A. From my working knowledge.
 13 Q. Okay. So this report doesn't reflect the
 14 Long Beach 2 trust, I'll call it the last trust that
 15 the mortgage was placed in?
 16 MR. TETTELBAUM: Object.
 17 Go ahead.
 18 THE WITNESS: It does reflect it because
 19 this complete loan file information also has the

20 loan numbers up top.
 21 BY MR. ZIPES:
 22 Q. Right.
 23 A. Those are the loan numbers -- well, the
 24 originator's loan number I believe is the loan
 25 number that is on the note. And the secondary loan

36

1 number was the servicer's loan number.
 2 Q. Okay. So -- is there any where based upon
 3 this sheet or otherwise that would tell you that
 4 someone looked at the original file for the time
 5 period starting after -- do you know when the
 6 bankruptcy filing date on this case was?
 7 A. No.
 8 Q. If I represented to you that in October of
 9 2008 -- first of all, if I told you if the filing
 10 date was October the 10th, 2008, would you now be
 11 able to find on this document anywhere a reference
 12 to that bankruptcy filing?
 13 MR. TETTELBAUM: Objection.
 14 THE WITNESS: No, because this is a system
 15 of record of Deutsche Bank.
 16 BY MR. ZIPES:
 17 Q. Okay. So did anyone pull this file to
 18 look at the originals between the time of October
 19 2008 and July of 2009?
 20 A. Anyone at Deutsche Bank?
 21 Q. Anybody at all? If you can tell from

22 this?
23 A. Well, the file was withdrawn on July 1st,
24 2009, we sent it to Chase.
25 Q. Okay. Before that time period in between
37

1 October of 2008 and July 1st, 2009, did anyone at
2 Deutsche Bank pull this file?
3 A. Our records don't reflect that.
4 Q. Did anybody other than Deutsche Bank have
5 access to these documents between October of 2008
6 and July 1st, 2009?
7 A. No.
8 MR. ZIPES: Let me direct your attention
9 to what is marked in the Index book, Index No. 4 and
10 we'll mark that as UST/Reyes 3.
11 (UST/Reyes Exhibit 3 was marked for
12 identification and is bound separately.)
13 THE REPORTER: Okay.
14 BY MR. ZIPES:
15 Q. Okay. I'll represent to you that this
16 document was provided by Chase's counsel pursuant to
17 a document request. It's not a complete set of what
18 he sent us, but this is 1 through -- if you look at
19 the bottom there it's Bates stamped, Chase's Bates
20 stamps 1 through 7?
21 A. Yes.
22 Q. I'll represent to you that these documents
page 36

23 were sent pursuant to a document request by Chase on
24 or about May 7th, 2009. Well, let me direct your
25 attention to Bates stamp 1. And you see the
38

1 Fixed/Adjustable rate note?
2 A. Yes.
3 Q. Strike that.
4 MR. TITTELBAUM: By the way, Ronaldo, this
5 is Jay, if at any time you need a break, restroom or
6 anything, just please speak up.
7 MR. ZIPES: Yeah. We're assuming. Please
8 let us know.
9 THE WITNESS: Yes.
10 MR. TITTELBAUM: That goes for the court
11 reporter, too.
12 BY MR. ZIPES:
13 Q. Okay. Let me move on here to -- I'm
14 sorry. Sticking with UST/Reyes 3, do you know what
15 this document is?
16 A. Yes.
17 Q. What is this document?
18 A. This is the fixed/adjustable rate note.
19 Q. For?
20 A. The borrower Nuer.
21 Q. Have you seen this document before
22 yesterday?
23 A. NO.
24 Q. Did you see it yesterday?
page 37

25 A. Yes.

39

1 Q. Is there any way to tell from UST Exhibit
2 whether Deutsche Bank provided documents copies of
3 its file in this case before July of 2009?

4 A. Our system of record indicates that the
5 first withdrawal of the mortgage file was on July
6 1st, 2009.

7 Q. So if these documents were provided by
8 discovery in this case in May, they would not have
9 come from the Deutsche Bank file, that is one thing
10 you can confirm for us?

11 A. Yes.

12 Q. Let me turn your attention to what I have
13 marked as UST Exhibit in the index book, I'm
14 sorry --

15 A. 6?

16 Q. No. 5.

17 A. No. 5. Okay.

18 MR. ZIPES: And we'll mark that as UST
19 Exhibit 4. UST/Reyes 4.

20 (UST/Reyes Exhibit 4 was marked for
21 identification and is bound separately.)

22 BY MR. ZIPES:

23 Q. And, Mr. Reyes, I'll represent to you,
24 again, that this was provided by Chase in a
25 discovery request on or about February 4th, 2010.

40

1 It's not the complete set of what was provided that
2 day, but I'll just ask that you flip it over, it's
3 probably folded over for you?

4 A. Yes.

5 Q. And you see at the bottom it's Bates
6 stamped 1251? Do you see that?

7 A. Yes.

8 Q. What does this document represent, this
9 page Collateral File Checklist, if you know?

10 A. I don't know.

11 Q. Okay. Turning the page to what is Bates
12 stamped 1252?

13 A. Yes.

14 Q. On top of it it says "release
15 Transmittal." Do you see that?

16 A. Yes.

17 Q. Do you know what this document represents?

18 A. No.

19 Q. And turning the page to 1253 the note?

20 A. Yes.

21 Q. This appears to be the same note as what I
22 showed you before under UST Exhibit 3. Have you
23 seen this note before?

24 A. Yes.

25 Q. And the first time -- is it the same

41

1 document as I referred to at UST Exhibit 3?

2 A. Yes.

3 Q. It is. Okay. Is there any way you can

4 tell whether this document or any of these documents

5 listed at UST Exhibit 4 which starts with the Long

6 Beach mortgage actually came from the Deutsche Bank

7 files? Was there any marking on them, for example?

8 A. We last released the mortgage file on

9 September 3rd, 2009.

10 Q. Is that your answer?

11 A. There are no markings on this

12 fixed/adjustable rate note. It's a copy.

13 Q. Okay. Turning to what I marked -- what

14 has been marked as Bates stamp 1252, you testified

15 that you hadn't seen this page before. Is this a

16 Deutsche -- let me ask a more general question.

17 Does this look like a Deutsche Bank produced

18 document?

19 A. No.

20 Q. Okay. Let me take you back to

21 Mr. Teitelbaum's letter with the report that we were

22 referring to earlier. It's in the book at UST Index

23 Book 7, but it's UST/Reyes 2. Are you there?

24 A. Yes.

25 Q. Is there any way you can tell from this

42

1 printout that the loan file information printout

2 what exactly was in -- is in the file, the Deutsche

3 Bank file?

4 A. I'm sorry. I don't understand the

5 question.

6 Q. In other words, there might be a note in

7 the file. You refer to the PSA agreement before, I

8 believe. I believe. And I believe you referred to

9 the note in connection with that. So I'm asking you

10 if you can tell from this report, the complete loan

11 file information, what exactly is in the Deutsche

12 Bank file?

13 A. Oh, yes. If you go to 1383.

14 Q. Okay.

15 A. So, for example, a little bit more than

16 halfway down the note we noted that we -- the "O"

17 stands for we have the original note.

18 Q. So "O" stands for original on this?

19 A. Yes.

20 Q. Okay.

21 A. The mortgage deed of trust we have the

22 original.

23 Q. Hold on. You just broke up a little bit

24 there.

25 A. I am sorry. Right under Note

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1 mortgage/deed of trust, we have the original.

2 Q. Would that be the original mortgage?

3 A. Yes.

4 Q. And I see Title Policy, you have the

5 original title policy as well, am I reading that

6 right?

7 A. Yes.

8 Q. Would this indicate how many pages the

9 note was?

10 A. No.

11 Q. So all this tells you is that you have a

12 note, it doesn't necessarily tell you any further

13 information?

14 MR. TETTEBAUM: Objection.

15 THE WITNESS: It has further information.

16 BY MR. ZIPES:

17 Q. Well, let's just focus on the note for the

18 moment, if we can. What else does -- and we're

19 looking at the loan inventory which is Bates stamped

20 1383. What other information can you tell me about

21 the note on this?

22 A. For example, under "Mortgage/Deed Of

23 Trust" there is an item called "Endorsement".

24 Q. Right.

25 A. "BLK" stands for blank. We noted that the

44

1 endorsement on the note was made to blank.

2 Q. So just to be clear, that would indicate

3 that in your -- that the note that you had would

4 have had an endorsement on it?

5 A. Yes, to blank.

6 Q. Okay. And let me turn your attention back

7 to what we marked as UST exhibit 4. Do you know

8 what an endorsement in blank is, first of all,

9 Mr. Reyes?

10 A. Yes.

11 Q. What is that? I'm just -- understanding

12 you are not a lawyer, but what is your

13 understanding?

14 A. In securitization trusts when right title

15 interest in a mortgage is conveyed to the trustee

16 the note is endorsed in blank typically by the

17 originator or seller.

18 Q. And if you turn, as I said, to UST 4 and

19 you turn to what is marked as Bates stamps 1256, do

20 you see that?

21 A. Yes.

22 Q. Is that an example of an endorsement?

23 A. Yes. That is an example of the

24 endorsement to blank.

25 Q. And not to beat a dead horse here, but you

45

1 didn't see this document before yesterday, correct?

2 The actual document?
3 A. Correct.

4 Q. Can you -- turning back to USTR 7, I do
 5 appreciate that Mr. Teitelbaum specifically sent me
 6 a letter identifying these documents. Is there any
 7 way you can tell from the loan inventory page who at
 8 Deutsche Bank indicated that the note and mortgage
 9 were there along with the endorsement?
 10 A. I have to refer you to the -- I apologize,
 11 I have to refer you back to the complete loan file
 12 information.
 13 Q. Okay.
 14 A. We reviewed the file initially on 1/13/06
 15 under Loan File Transactions. 1382.
 16 Q. 1/13/06. I see, 13 -- what is -- I see.
 17 So please go on. I think you are going to tell me
 18 here.
 19 A. At that point in time we had noted that we
 20 already had the original note with the endorsement
 21 to blank. And I refer you above under Loan File
 22 Inventory History where we received the original
 23 mortgage on 3/31/06 and the original title on
 24 4/3/06. So we had the original note since the
 25 initial loan file review.

1 Q. And, again, can you tell who was the
 2 person who knew that at Deutsche Bank?
 3 A. On 1/13/06 under Loan File Transactions,
 4 over to the right Created by, that is the ID of the

5 employee that did the initial review.
 6 Q. So if I needed to get that name from you,
 7 you would be able to get me that name, correct?
 8 MR. TEITELBAUM: Objection.
 9 You can answer.
 10 THE WITNESS: Yes.
 11 BY MR. ZIPES:
 12 Q. All right. Let's just so I'm clear about
 13 what was in the loan inventory, what else was in the
 14 Deutsche bank file before it was turned over in
 15 September of 2009? I'm sorry. Let me make sure I'm
 16 getting those dates right. Yeah, September 2009.
 17 A. The mortgage file that we released with
 18 respect to Nuer in September of 2009 to Chase would
 19 have contained all of the contents of the mortgage
 20 file including the original mortgage note endorsed
 21 to blank, the original mortgage, the assignment to
 22 blank and the original title policy.
 23 Q. Okay. How would you know about the
 24 assignment? How do you know from this that the
 25 assignment was also turned over? I am looking at

1 the loan inventory page, but if you are looking at a
 2 different page?
 3 A. I'm apologize. I am looking at the loan
 4 inventory page towards the bottom, seven up from the
 5 bottom under item assignment.
 6 Q. Right.

7 A. BLK the assignment. If you look to the
8 right, please, the From Assignment was Long Beach
9 Mortgage Company.

10 Q. And I'm almost certain I asked this
11 question before, but the October -- between October
12 2008 and July of 2009, at least all of the originals
13 that you referred to in this file have remained in
14 the custody of Deutsche Bank; correct?

15 A. Correct.

16 Q. Can you tell from this sheet or either of
17 these sheets, either the report or what I call the
18 loan inventory, what Deutsche Bank's relationship is
19 to the Nuer loan?

20 A. Yes.

21 Q. And tell me how and what that is?

22 MR. TEITELBAUM: Objection to form.

23 You can answer.

24 THE WITNESS: On the first page 1381 the
25 issue LB0602 that is our internal identification for

1 Long Beach Mortgage Loan Trust 2006-2. The loan
2 numbers that we reference on this complete loan file
3 information report are the loan numbers that are
4 reflected on the original mortgage note.

5 BY MR. ZIPES:

6 Q. And, again, I'm not asking for it, but
7 presumably you can provide me with evidence that if

8 you enter in 6641562 out will pop out Long Beach
9 Trust 2?

10 A. Yes. And the borrower name. Yes. That
11 is how our system of record worked. If you plug-in
12 that number, yes, that is what pops up.

13 Q. And you are representing to me that today,
14 again, I'm not asking for it at the time, but that
15 is what that number would show?

16 A. Yes.

17 Q. Okay. Now, is there any information on
18 this document that would show Deutsche Bank's
19 connection to this case? In other words, what is
20 it, is it the owner? The trustee? And, again, I'm
21 just asking based upon this document. Trustee?
22 Custodian? Another compound question, but --

23 MR. TEITELBAUM: Objection to form.

24 You can answer.

25 THE WITNESS: Again, this is an internal

1 document. We know that by the issue reference
2 LB0602 that that refers to Long Beach Mortgage Loan
3 Trust 2006-2 and we know that we act as trustee for
4 that securitization trust.

5 BY MR. ZIPES:

6 Q. Okay. Just give me one second. Okay?

7 A. Yes.

8 Q. All right. I'm going to very quickly take
9 you through two documents right now. USI -- what I

10 have in the book as UST 2 in the index number, and
11 we'll mark that as UST/Reyes 5.

12 (UST/Reyes Exhibit 5 was marked for
13 identification and is bound separately.)

14 THE REPORTER: Okay.

15 MR. ZIPES: Yes. Is it marked?

16 THE WITNESS: Yes, I marked it.

17 BY MR. ZIPES:

18 Q. Okay. Good. You'll see, Mr. Reyes, that
19 is an Assignment of Mortgage on top. Do you see
20 that?

21 A. Yes.

22 Q. And it's signed by Scott Walter?

23 A. Yes.

24 Q. Have you seen this document before at all?

25 A. Yes.

50

1 Q. When did you see this document? When did
2 you first see this document?

3 A. Yesterday.

4 Q. Would you be able to tell me if this
5 document was part of the Deutsche Bank file based
6 upon the loan information, loan file information or
7 otherwise?

8 A. This document was not a part of the
9 mortgage file that we sent.

10 MR. ZIPES: Okay. Let me move on to what

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11 is UST exhibit -- in the book is UST Exhibit 3 and
12 we'll mark that as UST/Reyes 6.

13 (UST/Reyes Exhibit 6 was marked for
14 identification and is bound separately.)

15 THE REPORTER: Okay.

16 BY MR. ZIPES:

17 Q. Okay. You guys are very fast. I'll ask
18 that you flip through this document. First of all,
19 the first page of this, do you see how it says
20 "Recording And Endorsement Cover Page 1 of 4"?

21 A. Yes.

22 Q. And as you flip through to the third page,
23 you will see there is an Assignment of Mortgage?

24 A. Yes.

25 Q. And that is signed by Ann Garbis?

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1 A. Yes.

2 Q. Is this document a part of the Deutsche
3 Bank file?

4 A. No.

5 Q. Okay. Mr. Reyes, just so the record is
6 clear, because I may not have fully understood, I
7 think we're talking about the same thing now, but
8 when I asked you -- when you were referring to the
9 Deutsche Bank file of the Ruer loan, you were
10 referring to the information contained in the
11 Complete Loan Information Page and also the -- what
12 I'm calling the Loan Inventory, you had different

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13 words for both of those, but I think we're on --
14 we're referring to the same documents at this point;
15 is that accurate?
16 MR. TETTELBAUM: Objection to form.
17 Go ahead.
18 THE WITNESS: Yes.
19 MR. ZIPES: Okay. Let me just take one
20 second and then I think I'm done.
21 MR. TETTELBAUM: Off the record.
22 (Discussion held off record.)
23 BY MR. ZIPES:
24 Q. Mr. Reyes, I guess my final set of
25 questions are looking at the complete loan file

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1 information would this under classification
2 attribute changes or otherwise, would this show you
3 if -- strike that. I think the record is clear.
4 Thank you. So I'm done with my questioning.
5 Do you want to switch over?
6 MR. TETTELBAUM: We're going to take a
7 quick recess here so that we can just play musical
8 chairs and take a quick break. So it might be a
9 good time for you on your end if you need to take a
10 quick break to do so. Why don't we just -- we'll
11 resume in a minute or two.
12 MR. ZIPES: Okay. Thank you, Mr. Reyes.
13 THE WITNESS: Thank you.
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14
15 BY MR. ZIPES:
16 Q. Let's go on the record. Mr. Ronaldo --
17 MR. TETTELBAUM: Reyes.
18 BY MR. ZIPES:
19 Q. Mr. Reyes. I apologize for that.
20 Mr. Reyes, turning to UST/Reyes 2, I had asked you
21 if any documents had been pulled, words to that
22 effect, between October 2008 and July of 2009. Do
23 you recall when I said that?
24 A. Yes.
25 Q. And I just wanted to make sure it was

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1 clear when I said pulled, not just physically,
2 electronically or any other way, was there any --
3 were these documents pulled in any way in between
4 that time period?
5 A. Not according to our system of record.
6 MR. ZIPES: Okay. That is the only
7 question I had.
8 And, Jay, can you -- I don't know if we
9 clarified on the record who you represent here and
10 what your capacity is for representing Mr. Reyes.
11 Can you just state that?
12 MR. TETTELBAUM: Sure. I thought we did.
13 This is Jay Teitelbaum from the Law Firm of
14 Teitelbaum & Baskin. We are the attorneys for JP
15 Morgan Chase as servicer and in that capacity we are
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16 counsel for Deutsche Bank as trustee for the Long
17 Beach Mortgage Trust 2006-2 for which Chase is
18 servicing. Okay?

19 MS. CHARNEY: And this is April Charney.
20 Just confirming with Mr. Teitelbaum that you are
21 appearing as the attorney for the deponent as an
22 employee for Deutsche Bank National Trust Company?

23 MR. TEITELBAUM: In his -- yes, in his
24 capacity as trustee for the trust.

25 MS. CHARNEY: So you are here, just to

1 clarify in my own mind, you are the attorney of
2 record for Chase as servicer, and you are the
3 attorney of record for Deutsche Bank National Trust
4 Company for whom Chase is an agent?

5 MR. TEITELBAUM: I'm not going to -- I
6 stated what my representation is. If that is not
7 acceptable to you, then I can't help you. I stated
8 who I am representing. Okay? You want to move to
9 ask the witness some questions because I'm not under
10 oath?

11 MS. CHARNEY: Well, I know. But I need
12 for the record to clarify who you are representing
13 in this case.

14 MR. TEITELBAUM: I just said I represent
15 Chase as servicer and in that capacity we are
16 representing Deutsche Bank as trustee for the trust

17 because Chase is the servicer and has the
18 obligations under the various agreements to
19 represent the trustee in connection with matters
20 relating to mortgages under the pooling and
21 Servicing Agreement. So we represent, if it makes
22 your life easier, Mr. Reyes in his capacity as an
23 employee of Deutsche Bank which is the trustee for
24 the trust 2006-2.

25 MS. CHARNEY: So Deutsche Bank --

1 MR. TEITELBAUM: I'm not answering another
2 question on this. Please start asking the witness
3 questions.

4 MS. CHARNEY: I just need to make clear --
5 MR. TEITELBAUM: I am not answering -- you
6 can make clear whatever you need to make clear. I
7 am putting on the record I'm not answering another
8 question of yours.

9 MS. CHARNEY: I appreciate that. But I'm
10 going to ask one more, which is can you clarify that
11 you represent Deutsche Bank National Trust Company
12 in a status other than as the lawyer for Chase which
13 is an agent of Deutsche Bank National Trust Company?

14 MR. TEITELBAUM: Ask your question of the
15 witness, please.

16 MS. CHARNEY: Well, I still don't see that
17 Deutsche Bank National Trust Company is represented
18 here today. So unless you want to clarify that,

19 Mr. Teitelbaum, I'm going to reserve that issue to
20 the court as to whether you are being disingenuous
21 in your statement as to who you represent here
22 today.
23 MR. TEITELBAUM: Please ask the witness
24 your questions.
25

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EXAMINATION

BY MS. CHARNEY:

1 Q. Good afternoon, Mr. Reyes. I'm April
2 Charney. I'm a lawyer with Jacksonville Area
3 Legal-Aid in Jacksonville, Florida, so you know who
4 I am. And I'm here today as CO-Counsel for the
5 Debtor Mrs. Nuer. And I applied to proceed pro hoc
6 vitae which means by leave of the court because I'm
7 a lawyer from Florida and I'm not licensed in this
8 state. So that is who I am. And I'm going to ask
9 you some questions somewhat related to what you were
10 just asked, but also additionally I'm going to talk
11 to you some about the or ask you questions about the
12 specific terms of the Pooling and Servicing
13 Agreement.
14 But first, I have some preliminary
15 questions which is do you spell your name more than
16 one way?
17 A. No.

20 Q. Would you spell your name, please?
21 A. R O N A L D O. Last name R E Y E S.
22 Q. Mr. Reyes, if I found some documents on
23 file with the SEC that you signed as an assistant
24 vice president for Deutsche Bank National Trust
25 Company as trustee of an Ameriquest Mortgage Asset

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1 Racked Securities that spelled your name as -- your
2 first name as R E N A L D O, is that you?

3 MR. TEITELBAUM: Objection. Can you
4 please identify, for the record, how Mr. Reyes'
5 signature in a matter wholly unrelated to this
6 matter has any relevance to Mrs. Nuer or the loan in
7 this case?
8 MS. CHARNEY: Well, you can reserve your
9 objection.
10 But, Mr. Reyes, you can answer the
11 question.

12 MR. TEITELBAUM: Objection. I'm referring
13 to pages 31 and 32 of the March 18th transcript from
14 Judge Gerber where he says to the extent practices
15 in the industry or relations between various parties
16 impacted upon Ms. Nuer, they are fair game for
17 discovery. If they are wholly unrelated to anything
18 affecting Ms. Nuer, my ruling now subject to some
19 showing of relevance of which I am now unaware is
20 that it is not discoverable.
21 And I'm directing the witness not to

22 answer the question based upon the ruling of Judge
23 Gerber.
24 MS. CHARNEY: Okay. Do we know if Judge
25 Gerber is in chambers today so we can call him?

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1 MS. TIRELLI: We can certainly call him
2 up.
3 MS. CHARNEY: Okay. Then we are going to
4 have to take a break. Let me just state for the
5 record so you understand. I have the right to take
6 this gentleman's deposition. And I have a right to
7 determine if he uses aliases. And I have a right to
8 determine enough information through this deposition
9 to determine his reliability and credibility. That
10 is my job as a lawyer. So if I want to ask him if
11 he spells his name another way, and I have a
12 document that I have referred to to indicate that it
13 is relevant because he signed using a different
14 spelling of his name as an assistant vice president
15 of Deutsche Bank National Trust Company, I think
16 that is clearly relevant.
17 MR. TITTELBAUM: Well, you haven't shown
18 me that document.
19 MS. CHARNEY: Would you like to call the
20 Judge?
21 MR. TITTELBAUM: You haven't shown me that
22 document.

23 REVER0033010.txt
24 MS. CHARNEY: You directed the witness not
25 to answer. Are you sticking with that? We'll take
a break right now and call the judge. I don't have

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1 to show the document. I've asked him if he has
2 spelled his name a different way and signed with
3 documents as an assistant vice president for
4 Deutsche Bank National Trust Company on file with
5 the SEC. I'm happy to show the document, but that
6 is irrelevant that is not related to the question.
7 I just want to know if he spells his name more than
8 one way.
9 MR. TITTELBAUM: He answered that
10 question.
11 MS. CHARNEY: And I'm clarifying because I
12 have documents to show that he does spell or there
13 is a misstate in the document and I'm trying to
14 clarify which it is.
15 MR. TITTELBAUM: I'm looking at over your
16 shoulder at the document and I don't see Mr. Reyes'
17 handwritten signature on it.
18 MS. CHARNEY: Again, are you going to
19 stick with your --
20 MR. TITTELBAUM: I am going to -- if your
21 issue here is to determine the --
22 MS. CHARNEY: Let me ask the question
23 again.
24 MR. TITTELBAUM: Wait. Let me finish. If

25 your questioning here is to determine the witness'

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1 credibility, I will allow the witness to answer a
 2 line of questions. However, to the extent that we
 3 run afieid of what Judge Gerber ruled on March 18th,
 4 I am perfectly happy to contact chambers and deal
 5 with those issues on a telephonic conference, if
 6 necessary. So if you want to ask your question
 7 again, go ahead, but what I'm telling you is that
 8 this is because of your statement that it's relating
 9 to the witness' credibility and identification. So
 10 go ahead.

11 BY MS. CHARNEY:

12 Q. Mr. Reyes, is your name spelled
 13 differently for filings that you have filed with the
 14 SEC where you have signed as an assistant vice
 15 president for Deutsche Bank National Trust Company
 16 as trustee?

17 MR. TETTELBAUM: And before you answer,
 18 can I ask a question? Has this document that you
 19 are referring to been produced to the parties as
 20 Judge Gerber ordered when he ordered the telephonic
 21 deposition that the documents be produced to the
 22 parties before the deposition?

23 MS. CHARNEY: I'm not introducing a
 24 document. I'm asking him if it's the same person
 25 and his name is spelled differently.

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1 MR. TETTELBAUM: I'm asking you a very
 2 simple question. Has the document been previously
 3 produced as ordered by the judge?
 4 BY MS. CHARNEY:
 5 Q. Mr. Reyes, please answer the question.
 6 MR. TETTELBAUM: Go ahead. Answer the
 7 question. And I'm going to note for the record that
 8 the document has not been produced to me so I do not
 9 know what you are referring to.
 10 Go ahead.

11 THE WITNESS: I'm sorry, can you please

12 repeat the question?

13 BY MS. CHARNEY:

14 Q. Do you know whether you have signed
 15 documents that have been filed with the SEC in your
 16 capacity as assistant vice president for Deutsche
 17 Bank National Trust Company where your first name is
 18 spelled R E N A L D O?

19 A. Not to my knowledge.

20 Q. How long have you been employed as an
 21 assistant vice president at Deutsche Bank National
 22 Trust Company?

23 MR. TETTELBAUM: Objection. That wasn't
 24 the testimony.

25 BY MS. CHARNEY:

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1 Q. You can answer.
 2 A. I was an assistant vice president at
 3 Deutsche Bank National Trust Company from
 4 approximately 2002 to 2005.
 5 Q. So during the years from including the
 6 years 2002, 2003, 2004 you were an assistant vice
 7 president for Deutsche Bank National Trust Company?
 8 A. And through December '05 until I became a
 9 vice president.
 10 Q. Mr. Reyes, have you had occasion to
 11 purchase property in Florida --
 12 MR. TEITELBAUM: Objection.
 13 BY MS. CHARNEY:
 14 Q. -- during the time that you've been an
 15 employee of Deutsche Bank National Trust Company?
 16 MR. TEITELBAUM: And you are referring to
 17 his capacity how? As an individual?
 18 MS. CHARNEY: As a person? Yes. You
 19 know, you are interrupting my questions and that is
 20 not your job, Mr. Teitelbaum. I'll ask the question
 21 again.
 22 Mr. Reyes, since you've been an employee
 23 of Deutsche Bank National Trust Company have you as
 24 an individual purchased property in Florida?
 25 MR. TEITELBAUM: Objection. I direct the

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1 witness not to answer the question.
 2 MS. CHARNEY: Then we need to have a
 3 conference.
 4 MR. TEITELBAUM: Then we need to have a
 5 conference with the judge. You can go into another
 6 room. I'm not going into another room.
 7 MR. ZIPES: I'm not going to be involved
 8 with this telephone conference with the judge. I
 9 don't think the judge is going to take kindly to the
 10 telephone conference at this point.
 11 MS. CHARNEY: Are you directing -- again,
 12 the purpose of my question is to determine the
 13 credibility and reliability of this witness'
 14 testimony. So I'm trying to determine if this is
 15 another person that is related to Mr. Reyes who had
 16 dealings with property involving Deutsche Bank
 17 National Trust Company and JP Morgan Chase in
 18 Florida. And I'm also intending to ask him about
 19 Nevada.
 20 MR. TEITELBAUM: We can -- we might as
 21 well call the judge because the witness is not
 22 answering questions about properties he may have
 23 purchased in his individual capacity.
 24 MS. CHARNEY: Involving his employer.
 25 MR. TEITELBAUM: If it doesn't involve

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1 this loan, it does not involve Mr. Reyes answering
2 the question.

3 MR. ZIPES: I have a suggestion, ask your
4 questions, let him object, and then we're going to
5 take a break.

6 BY MS. CHARNEY:

7 Q. Mr. Reyes, I have to ask you for the
8 record, although I expect Mr. Teitelbaum to object,
9 the same question with respect to whether you as an
10 individual have purchased property in the State of
11 Nevada involving your employer Deutsche Bank
12 National Trust Company and/or JP Morgan Chase during
13 the term of your employment at Deutsche Bank
14 National Trust Company?

15 MR. TEITELBAUM: Objection. Direction not
16 to answer the question based upon the Judge's March
17 18th rules.

18 MS. CHARNEY: Could you state some other
19 basis for your objection having to do with one of
20 the rules of evidence that we --

21 MR. TEITELBAUM: I have a ruling of the
22 court. And because in New York the practice is that
23 relevance is not a basis to direct the witness not
24 to answer. However, based upon a ruling of the
25 court that says that with respect to Ms. Nuer

2 you were not there, but I assume you've read the
3 transcript if you've come into this case, the judge
4 directed his ruling to Ms. Nuer and counsel for
5 Ms. Nuer that unless the matter bears directly upon
6 this loan and Ms. Nuer it is not discoverable absent
7 some showing of relevance which needs to be shown to
8 the court. That is the basis for my objection and
9 the basis for my direction to the witness not to
10 answer the question.

11 MS. CHARNEY: Okay. And just so you are
12 aware, the direction of my question is to the
13 witness' credibility having nothing to do with
14 Ms. Nuer's loan.

15 MR. TEITELBAUM: All due respect --

16 MS. CHARNEY: Only to the witness.

17 MR. TEITELBAUM: Okay. Ask your questions
18 and I'll make my objections.

19 BY MS. CHARNEY:

20 Q. Mr. Reyes, have you purchased foreclosed
21 properties in the State of Nevada and Florida?

22 MR. TEITELBAUM: Objection. Direction not
23 to answer the question. March 18th ruling of Judge
24 Garber.

25 BY MS. CHARNEY:

1 specifically, and we were all there, Ms. Charney,

1 Q. Mr. Reyes, are you taking -- you have to
2 answer the question either yes or no or some other
3 way. I understand that your counsel is directing

4 you not to answer, but you actually have to answer
5 something.

6 MR. TETTELBAUM: No, you don't have to
7 answer the question if I'm directing you not to
8 answer the question.

9 BY MS. CHARNEY:
10 Q. Then, Mr. Reyes, the question is: Are you
11 refusing to answer that question on the basis of the
12 direction from your attorney not to answer the
13 question?

14 MR. TETTELBAUM: Mr. Reyes is not refusing
15 to answer anything. He is following the advice of
16 counsel.

17 BY MS. CHARNEY:
18 Q. Is that what you are doing, Mr. Reyes?
19 You are refusing to answer the question on the basis
20 of advice of counsel?

21 MR. TETTELBAUM: Direction not to answer
22 the question. The witness has been directed not to
23 answer the question.

24 Mr. Reyes, are you willing to -- are you
25 following my advice and not answering the question?

5 foreclosure lawsuit that was filed against Silvia
6 Nuer on March 20, 2008?

7 A. No.

8 Q. Do you know or do you have any records
9 within the scope of your employment at Deutsche Bank
10 National Trust Company that would inform you as to
11 why a foreclosure action was filed against Ms. Nuer
12 at a time when you've already testified this loan
13 was in the trust for which Deutsche Bank National
14 Trust Company is the trustee?

15 A. No.

16 MR. TETTELBAUM: I'm sorry. I don't
17 understand the question.

18 BY MS. CHARNEY:
19 Q. Mr. Reyes, do you -- does Deutsche Bank
20 National Trust Company have a relationship with
21 Washington Mutual Bank as successor by merger to
22 Long Beach Mortgage Company?

23 MR. TETTELBAUM: Objection. You can
24 answer.

25 THE WITNESS: With respect to the Nuer

1 THE WITNESS: Yes.

2 MR. TETTELBAUM: Thank you.

3 BY MS. CHARNEY:

4 Q. Mr. Reyes, are you familiar with the

1 matter Deutsche Bank National Trust Company as
2 trustee as well as Washington Mutual as servicer is
3 party to the pooling and servicing Agreement.

4 BY MS. CHARNEY:

5 Q. Mr. Reyes, if you know, on March 20th,
6 2008, did Washington Mutual Bank exist?

7 A. To my knowledge, yes.

8 Q. As of that date on March 20, 2008, from
9 the records that you testified to already today do
10 you have any information to inform you that the loan
11 file maintained by your office was transferred
12 electronically, by mail or in any other fashion to
13 anyone prior to March 20, 2008?

14 A. I don't understand the question.

15 Q. Based on the records that you have in
16 front of you today that you've already testified to,
17 can you identify any entity that your employer
18 Deutsche Bank National Trust Company transferred the
19 loan, your company's loan data to -- the Nuer loan
20 data to any entity before March 20, 2008?

21 A. The Nuer loan became a part of the Long
22 Beach 2006-2 trust effective the closing date of
23 March 7, 2006.

24 Q. I appreciate that, but it's not responsive
25 to the question. But let's assume that was -- can

1 we refer to that as the boarding date for the loan?
2 March 6, 2000 --

3 A. March 7th.

4 Q. Sorry, March 7th, 2006?

5 MR. TETTELBAUM: Objection to the form.

6 If you want to define what boarding means?

7 BY MS. CHARNEY:

8 Q. You can answer the question, if you can.

9 A. The mortgage pool which the depositor
10 under the Pooling and Servicing Agreement conveyed
11 all right, title and interest to the trustee
12 included the Nuer loan effective March 7, 2006.

13 Q. And from that date through March 20th,
14 2008, was your company's Nuer loan file transmitted
15 by fax, by mail, electronically, in person, in any
16 form or fashion to anyone between those two dates?

17 A. As I testified earlier, I am only aware of
18 the release of the mortgage file pursuant to our
19 system of record.

20 Q. And that date again was?

21 A. I have to pull the exhibit. This is
22 Exhibit 2. We released the mortgage file to Chase
23 on 7/1/2009. It was returned on 7/24/09. And we
24 again released the mortgage file to Chase on
25 September 3rd, 2009.

1 Q. If you know, between the March 7th, 2006
2 date and the July 1, 2009 date, is there any other
3 entity that would have access to this loan file, the
4 Nuer loan file before you released the file on
5 July 1, '09 to Chase?

6 A. Yes.

7 Q. Please explain.

8 A. From my working knowledge it is typical in
9 securitization trust that a servicer also has copies

10 of the note and other related documents.

11 Q. And that is from your knowledge of your
12 company's policies and procedures? Yes?

13 MR. TITTELBAUM: Objection.

14 THE WITNESS: No. As I stated, it's from

15 my working knowledge that for a servicer to service
16 a mortgage file they have certain records such as a
17 copy of the note Deutsche Bank as trustee maintains
18 the original.

19 BY MS. CHARNEY:

20 Q. And who is the servicer with respect to
21 the Nuer loan?

22 A. The named Master Servicer under the
23 Pooling and Servicing Agreement is Long Beach
24 Mortgage Company. The Sub Servicer is Washington or
25 was Washington Mutual.

1 Q. Then it would -- your testimony indicates

2 to me, and correct me if I'm wrong, that actually
3 more than one entity has a copy of the loan file,
4 that would be at least Deutsche Bank National Trust
5 Company and the custodian under the pooling and
6 Servicing Agreement; is that correct?

7 MR. TITTELBAUM: Objection.

8 YOU can answer.

9 THE WITNESS: As I stated, Deutsche Bank
10 National Trust Company as trustee maintains the

11 original loan documents. From my working knowledge
12 servicers may have a copy of the loan documents for
13 servicing purposes.

14 BY MS. CHARNEY:

15 Q. Do you know whether the servicer's copy
16 would be the same as the loan file maintained by
17 Deutsche Bank National Trust Company?

18 A. Yes.

19 Q. It's not a hard copy, is it?

20 A. The original is a hard copy which we
21 maintain.

22 Q. Would the servicer have a paper copy of
23 the file based on your working knowledge?

24 A. Yes.

25 Q. The file that you maintain for Deutsche

1 Bank National Trust Company on the Nuer loan for the
2 mortgage contains an assignment in blank; is that
3 correct?

4 A. Correct.

5 Q. And you have no other record of an
6 assignment of the mortgage in your file?

7 A. Correct.

8 Q. Do you have an independent file maintained
9 by your employer that shows what file the servicer
10 has regarding the Nuer loan?

11 A. No.

12 Q. So you don't know whether the servicer has

13 had other assignments or other documents relating to
 14 the Nuer mortgage or the Nuer note; is that correct?
 15 A. other than the two assignments that I saw
 16 yesterday, I refer to the exhibit from earlier
 17 today Exhibit 5 and Exhibit 6 which I first saw
 18 yesterday.
 19 Q. your testimony is that the Nuer loan file
 20 that Deutsche Bank National Trust Company has come
 21 from the original custodian Long Beach Mortgage
 22 Company; is that correct?
 23 MR. TEITELBAUM: objection.
 24 you can answer, if you know.
 25 THE WITNESS: yes, I would refer to long

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1 Beach Mortgage Company as the originator and seller.
 2 BY MS. CHARNEY:
 3 Q. Is your testimony the chain of custody of
 4 your company's loan -- Nuer loan file came from the
 5 hands of the originating lender through the
 6 custodian which is Long Beach Mortgage Company to
 7 Deutsche Bank National Trust Company?
 8 A. My testimony is as the Pooling and
 9 Servicing Agreement and Mortgage Loan Purchase
 10 Agreement define the conveyance of the mortgage
 11 loans including the Nuer loan from long Beach
 12 Mortgage Company to Long Beach Securities Corp. to
 13 Deutsche Bank National Trust Company as trustee.

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14 Q. with respect to what you just mentioned
 15 Long Beach Securities Corporation, can you identify
 16 any document in your company's file that shows Long
 17 Beach Securities Corporation in the chain of title
 18 on the mortgage?
 19 MR. TEITELBAUM: objection.
 20 THE WITNESS: yes. The underlying
 21 Mortgage Loan Purchase Agreement and Pooling and
 22 Servicing Agreement are documents that Long Beach
 23 Securities Corp. is party to.
 24 BY MS. CHARNEY:
 25 Q. Now, that is an umbrella agreement,

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1 Mr. Reyes; correct?
 2 MR. TEITELBAUM: objection.
 3 THE WITNESS: I don't know what you mean.
 4 BY MS. CHARNEY:
 5 Q. Well, thus far in the deposition we're
 6 referring to specific assignments which take a
 7 mortgage and transfer it from one entity to another;
 8 is that correct?
 9 MR. TEITELBAUM: objection.
 10 THE WITNESS: yes. And as I described --
 11 BY MS. CHARNEY:
 12 Q. That answers my question, but let me ask
 13 you another question now. With respect to your
 14 answer as to the same question of whether we have
 15 assignments tracking the transfer to Long Beach

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16 Securities Corporation you defaulted to this
 17 agreement as opposed to an assignment; is that
 18 correct?
 19 MR. TITTELBAUM: Objection. And I am
 20 going to direct the witness not to answer the
 21 question because you are asking for legal
 22 conclusions and you are making certain legal
 23 assumptions as to the necessity for a written
 24 assignment under New York law with respect to the
 25 transfer of a mortgage and note.

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1 BY MS. CHARNEY:
 2 Q. Well, you can answer -- you are directing
 3 him not to answer on what basis?
 4 MR. TITTELBAUM: You are asking him -- you
 5 are making a legal assumption --
 6 MS. CHARNEY: Well, maybe I'll rephrase
 7 the question. Mr. Reyes --
 8 MR. TITTELBAUM: Let me finish my
 9 statement. You are making a legal assumption as to
 10 the method pursuant to which a mortgage under New
 11 York law is to be conveyed. And it's an incorrect
 12 legal assumption in addition. Maybe it is because
 13 you are from Florida. But the fact of the matter is
 14 that you are making a legal assumption. Mr. Reyes
 15 has testified with respect to the documents with
 16 which he deals in his capacity as trustee as to his

17 understanding. If that is not sufficient, you can
 18 ask the same question a half a dozen times and the
 19 answer is not going to change.
 20 BY MS. CHARNEY:
 21 Q. Mr. Reyes, let me try to ask the question
 22 another way, since your counsel seems to want to
 23 interfere a lot here.
 24 MR. TITTELBAUM: Objection.
 25 Go ahead.

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1 BY MS. CHARNEY:
 2 Q. Is there anything other than the mortgage
 3 purchase agreement that identifies a transfer of the
 4 mortgage from Long Beach Mortgage Company to Long
 5 Beach Securities Corporation?
 6 A. To answer your question, the pooling and
 7 Servicing Agreement in section 2.01 states that one
 8 of the documents in the mortgage file that the
 9 trustee is to receive is an assignment to blank. We
 10 did receive an assignment to blank from Long Beach
 11 Mortgage Company.
 12 Q. Correct me if I'm wrong, but my
 13 understanding is that the transfer pursuant to the
 14 pooling and servicing Agreement has to come from the
 15 originating lender to the custodian and then to the
 16 trustee; is that correct?
 17 MR. TITTELBAUM: Objection. You have the
 18 document and it's not correct.

19 BY MS. CHARNEY:
 20 Q. Mr. Reyes --
 21 MR. TETTELBAUM: No. No. No. You have
 22 the document. And if you want to refer to the
 23 document specifically rather than try to trick the
 24 witness, then do that. The document in Section 2.1
 25 that the witness is referring to and the mortgage

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1 loan agreement specify the method pursuant to which
 2 the documents shall move. If you want to make
 3 reference to those documents, please do so. I'm
 4 going to direct the witness not to answer the
 5 question.
 6 BY MS. CHARNEY:
 7 Q. Mr. Reyes, would you describe how and when
 8 Long Beach Securities Corporation obtained an
 9 ownership interest of the Nuer mortgage?
 10 A. Per the note that was presented as an
 11 exhibit earlier Long Beach mortgage Company was the
 12 originator of that note.
 13 Q. I'm talking about the mortgage, Mr. Reyes?
 14 A. The mortgage was also an original document
 15 that we received effective the closing date. We
 16 have a copy of -- well, we have the -- we are
 17 custodian for the original mortgage.
 18 Q. I'll try to make it simpler. On what date
 19 did the mortgage get transferred from Long Beach

20 Mortgage Corporation to Long Beach Securities
 21 Corporation? Just the mortgage?
 22 MR. TETTELBAUM: Objection. You are
 23 assuming the mortgage got transferred separately
 24 from the note.
 25 BY MS. CHARNEY:

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1 Q. Can you answer the question, Mr. Reyes?
 2 A. Yes. As the mortgage loan purchase
 3 agreement contemplates the transfer of the mortgage
 4 loans will be effective the closing date. That
 5 closing date under the pooling and servicing
 6 agreement is the date that all right title interest
 7 in the mortgage loans is conveyed to the trustee.
 8 Q. So you are talking about the closing date
 9 under Section 2 of the pooling and servicing
 10 Agreement?
 11 A. Closing date is a defined term under the
 12 pooling and servicing Agreement.
 13 Q. Now, Mr. Reyes, let me ask you, at the
 14 time that Deutsche Bank National Trust Company as
 15 trustee acquires ownership of the mortgage, the loan
 16 has to be current and not in default; is that
 17 correct?
 18 MR. TETTELBAUM: Objection. And I'm going
 19 to ask the question right now as to how the
 20 conveyance from the originator to either Long Beach
 21 securities or the trust effects the right

22 economically or legally of Ms. Nuer in this case?
23 And unless you can provide that to me, I'm going to
24 direct the witness not to answer the question and
25 then we can call the judge.

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1 BY MS. CHARNEY:
2 Q. Mr. Reyes, you can answer the question, if
3 you can?

4 MR. TETTELBAUM: I'm directing the witness
5 not to answer the question. If you want to ask
6 questions about how this transaction or how these
7 facts affect Ms. Nuer and this loan, please do so.

8 MS. CHARNEY: Ms. Nuer has raised in her
9 papers with the court the allegation of fraud on the
10 court by your client. And on that basis the issue
11 of fraud on the court relates to the failure of this
12 trust to take ownership of this loan within the
13 terms of its own Pooling and Servicing Agreement.

14 And so on that basis if at the time that your client
15 filed a proof of claim saying one thing to the court
16 when it was fully aware that things were actually
17 another way going to material matters of ownership
18 of the loan and the right to have standing and real
19 party in interest to pursue motion for relief from
20 stay, that is an issue brought on the court reserved
21 by Ms. Nuer's pleadings.

22 MR. TETTELBAUM: We have a factual

23 disagreement as to what is relevant to those issues.
24 MS. CHARNEY: I think that, you know, the
25 court is the arbitrator of what is relevant.

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1 Mr. Tettelbaum. And at this point, you are
2 interrupting this deposition to the point that we
3 can't have a deposition. I have tried to be really
4 patient, but I am only asking questions that are
5 strictly relevant to the issue of whether there has
6 been a fraud on this court. And Ms. Nuer as a
7 debtor in this bankruptcy has standing to raise that
8 issue.

9 MR. TETTELBAUM: That is fine. I'm not
10 disagreeing with you on that.

11 BY MS. CHARNEY:
12 Q. Then I'll ask the question, again,

13 Mr. Reyes --
14 MR. TETTELBAUM: But --
15 THE WITNESS: Excuse me.
16 BY MS. CHARNEY:

17 Q. -- pursuant to the pooling and servicing
18 Agreement can Deutsche Bank National Trust Company
19 take ownership of this loan on a date when it's in
20 default, in a payment default?

21 A. I don't know.

22 Q. Mr. Reyes, you testified that you have a
23 degree in economics; correct?

24 A. Yes.

25 Q. And you testified that within the scope of

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1 your employment you work in the structured finance
2 group for Deutsche Bank National Trust Company;

3 correct?

4 A. Correct.

5 Q. And that within your employment duties you
6 manage custodial trusts and handle administrative
7 services for the trust?

8 A. Yes.

9 Q. Would you agree that within the scope of
10 your employment and your responsibilities as a vice
11 president for Deutsche Bank National Trust Company
12 in the structured finance group that you should know
13 whether this trust can acquire an ownership interest
14 in the Nuer loan at a time when it was in a payment
15 default status?

16 MR. TETTELBAUM: Can I just ask, and I'm
17 going to -- wait. I'm going to object. And I'm
18 going to make the observation that Ms. Tirelli has
19 the Pooling and Servicing Agreement. She's attached
20 it to her pleadings. You are asking the witness
21 from his recollection with respect to specific terms
22 of that document without showing it to him. If you
23 would like to show him the document, perhaps he can
24 assist you in answering the question.

25 BY MS. CHARNEY:

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1 Q. Mr. Reyes, first of all, you have the
2 exhibit as part of Ms. Nuer's documents that were
3 presented to you today prior to the deposition.
4 It's No. 6, tabbed 6.

5 MR. TETTELBAUM: But for the record, those
6 documents were delivered to the court reporter. And
7 Mr. Reyes has not had an opportunity to see them.
8 They have not been referred to by you during this
9 deposition. I have not had an opportunity to see
10 them prior to today. Although the U.S. Trustee and
11 Chase did exchange as ordered by the court documents
12 they were prepared to use at this deposition with
13 all parties. Ms. Nuer did not provide with the
14 direction of the court in that regard. So if you
15 want to direct Mr. Reyes to a specific document
16 delivered to him today, please do so.

17 BY MS. CHARNEY:

18 Q. Mr. Reyes, in your affidavit that you
19 signed, did you testify to the court that you were
20 familiar with the Pooling and Servicing Agreement
21 involved in this action?

22 MR. TETTELBAUM: You might refer to the
23 one that has been marked already.

24 MR. ZIPES: It is US1/Reyes 1.

25 BY MS. CHARNEY:

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1 Q. One moment. I just had it. I put it
 2 aside. Here we go. Mr. Reyes, do you have a copy
 3 of your affidavit? It's under tab -- it's No. 1 on
 4 the Nuer documents. And it is also No. 6 in the
 5 U.S. Trustee's exhibits that were presented to you.
 6 MR. TEITELBAUM: The document was
 7 previously marked, just for clarity, as USF/Reyes 1
 8 earlier today. And I just think for the sake of
 9 having one document reviewed, let's try to stick
 10 with that document.
 11 BY MS. CHARNEY:
 12 Q. If you could review your affidavit,
 13 Mr. Reyes, and Paragraph 3. Is it correct that you
 14 swore under oath in Paragraph 3 that Deutsche Bank
 15 is the trustee under a Pooling and Servicing
 16 Agreement dated as of March 1, 2006; correct?
 17 A. Yes.
 18 Q. Did you review that Pooling and Servicing
 19 Agreement?
 20 A. Yes.
 21 Q. And it lists according to your affidavit
 22 Long Beach Securities Corp. as the depositor; is
 23 that correct?
 24 A. Yes.
 25 Q. Do you have any document in your files on

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1 behalf the Deutsche Bank National Trust Company
 2 aside from the Mortgage Loan Purchase Agreement that
 3 references a transfer of the Nuer loan from Long
 4 Beach Securities Corp. as the depositor to Deutsche
 5 Bank National Trust Company?
 6 MR. TEITELBAUM: Objection.
 7 You can answer.
 8 THE WITNESS: It's not required under the
 9 Pooling and Servicing Agreement. The Pooling and
 10 Servicing Agreement allows for the assignment in
 11 blank from Long Beach Mortgage Company which we did
 12 receive.
 13 BY MS. CHARNEY:
 14 Q. Now, you are indicating familiarity with
 15 the Pooling and Servicing Agreement, so I'll ask you
 16 again, does the Pooling and Servicing Agreement
 17 allow for such a transfer on a date when the loan,
 18 the underlying mortgage loan is in a payment default
 19 status?
 20 MR. TEITELBAUM: Objection. Assuming
 21 facts not in evidence. You are assuming that the
 22 loan was in payment default.
 23 MS. TIRELLI: She didn't say that.
 24 BY MS. CHARNEY:
 25 Q. Can you answer the question, Mr. Reyes?

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1 A. I don't know.
2 Q. Why don't you know?

3 MR. TEITELBAUM: Objection.

4 THE WITNESS: An originator may make

5 representations and warranties. Under the Pooling
6 and Servicing Agreement they are accepted upon their

7 face. All that is required under the Pooling and

8 Servicing Agreement for us to accept the loan is

9 under 2.01 that we perform a review of the mortgage

10 file.

11 BY MS. CHARNEY:

12 Q. Can you tell me when Deutsche Bank

13 National Trust Company made that review?

14 A. Yes. As I stated earlier, referring to

15 Exhibit UST 2 the initial loan review was performed

16 by Deutsche Bank National Trust Company on

17 1/13/2006.

18 Q. And the origination date of the loan is

19 January 6, 2006; correct?

20 A. If I may look at the note, I don't know

21 off the top of my head the actual loan origination

22 date. Yes, I see that the note is dated January 6,

23 2006.

24 Q. So then based on that, your testimony,

25 Mr. Reyes, is that the loan was originated on the

2 through an assignment in blank to the custodian Long

3 Beach Mortgage -- excuse me -- Long Beach Securities

4 Corporation within those five days prior to the

5 transfer of the mortgage to Deutsche Bank National

6 Trust Company?

7 MR. TEITELBAUM: Objection.

8 THE WITNESS: You can answer.

9 THE WITNESS: Again, I refer you to the

10 Mortgage Loan Purchase Agreement and the Pooling and

11 Servicing Agreement. The conveyance of the mortgage

12 loans occurs in both documents concurrently on the

13 closing date March 7, 2006. And we received an

14 assignment in blank pursuant to the Pooling and

15 Servicing Agreement.

16 BY MS. CHARNEY:

17 Q. Mr. Reyes, under section -- Article II,

18 Section 2.01 subsection (d) of the Pooling and

19 Servicing Agreement Deutsche Bank National Trust

20 Company as the trustee had to receive an original

21 recorded assignment of the mortgage showing a

22 complete chain of assignment from the originator to

23 the person assigning the mortgage to the trustee or

24 in blank; is that correct?

25 A. Yes, that is what that section states.

1 Q. Do you have an original recorded

2 assignment showing a complete chain of assignments

3 from the originator to the person that assigned the

1 6th of January 2006, transferred the mortgage

4 mortgage to Deutsche Bank National Trust Company?
 5 A. I'm sorry. Repeat the question, please?
 6 Q. Do you have in your files of your employer
 7 the original recorded assignment or assignments
 8 showing a complete chain of assignments from the
 9 originator to the person assigning the mortgage to
 10 Deutsche Bank National Trust Company?
 11 MR. TEITELBAUM: Objection. If you are
 12 going to read a clause please read it to the end.
 13 BY MS. CHARNEY:
 14 Q. Mr. Reyes, can you answer the question?
 15 A. Yes. As I stated before, under this
 16 section (d) we may receive an assignment in blank.
 17 Q. I appreciate that. But I'm looking for an
 18 original recorded assignment. Do you have one?
 19 MR. TEITELBAUM: Objection.
 20 THE WITNESS: Section (d) states that we
 21 may receive an original recorded assignment or an
 22 assignment and there is the clause that after a
 23 complete chain of assignments from the originator to
 24 the person who assigned the mortgage or to the
 25 trustee or in blank. We received the assignment in

1 blank.
 2 BY MS. CHARNEY:
 3 Q. So correct me if I'm wrong, but your
 4 testimony is, then, if you have an unrecorded

5 assignment in blank from an originating lender on
 6 the date of origination without evidence of a
 7 transfer to the custodian that that is all you have
 8 to have under your Pooling and Servicing Agreement
 9 to show that Deutsche Bank National Trust Company is
 10 the owner of the Nuer loan?
 11 MR. TEITELBAUM: Objection. I'm trying to
 12 follow your assumptions in your statement and maybe
 13 you can do it again. I just didn't follow all of
 14 that.
 15 BY MS. CHARNEY:
 16 Q. Mr. Reyes, did you understand the
 17 question?
 18 A. Can you please repeat the question?
 19 Q. Is it your testimony that under the
 20 Pooling and Servicing Agreement under section
 21 Article II, Section 2.01 sub (d) that Deutsche Bank
 22 National Trust Company does not need an original
 23 recorded assignment showing a complete chain of
 24 assignments from the originator to the person
 25 assigning the mortgage to Deutsche Bank National

1 Trust Company?
 2 A. Yes. Because that subsection (d) is also
 3 consistent with the underlying Mortgage Loan
 4 Purchase Agreement. In the underlying Mortgage Loan
 5 Purchase Agreement under Section 4, Romanette (iv),
 6 it's the same language where the assignment in blank

7 is contemplated in the Mortgage Loan Purchase
 8 Agreement and the Pooling and Servicing Agreement.
 9 Q. Mr. Reyes -- bear with me -- Mr. Reyes,
 10 what is the date of the assignment of the Nuer
 11 mortgage from the person assigning the mortgage to
 12 Deutsche Bank National Trust Company?
 13 MR. TEITELBAUM: Objection to form.
 14 Go ahead.
 15 THE WITNESS: If you are referring to the
 16 assignment in blank I will have to pull that exhibit
 17 to tell you the date. I am looking at the colored
 18 copy of the mortgage file for which we act as --
 19 Deutsche Bank acts as trustee and custodian. It's
 20 Bates stamped 1605. The assignment of mortgage to
 21 blank from Long Beach Mortgage Company, it is dated
 22 1/12/2006.
 23 BY MS. CHARNEY:
 24 Q. Mr. Reyes, was this an assignment of
 25 mortgage from Long Beach Mortgage Company to Long

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1 Beach Securities Company?
 2 A. Again, it is an assignment in blank which
 3 is contemplated in the Mortgage Loan Purchase
 4 Agreement and the Pooling and Servicing Agreement.
 5 Q. Well, is it an assignment to Long Beach
 6 Securities Company or to Deutsche Bank National
 7 Trust Company?

8 MR. TEITELBAUM: Objection. Asked and
 9 answered.
 10 One more time. Go ahead.
 11 THE WITNESS: As I stated earlier, both
 12 the Mortgage Loan Purchase Agreement and Pooling and
 13 Servicing Agreement contemplate an assignment in
 14 blank. The transfer of the mortgage loans to the
 15 trustee is contemplated in the Mortgage Loan
 16 Purchase Agreement effective the closing date as
 17 well as the Pooling and Servicing Agreement.
 18 BY MS. CHARNEY:
 19 Q. Mr. Reyes, I'll ask you one more time.
 20 The assignment of mortgage that you just referred to
 21 that is dated January 12th, 2006, from Long Beach
 22 Mortgage Company in blank which is an assignment of
 23 the Nuer mortgage is that an assignment to Long
 24 Beach Securities Company or to Deutsche Bank
 25 National Trust Company? Or both? Or neither?

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1 MR. TEITELBAUM: Objection.
 2 THE WITNESS: Again --
 3 BY MS. CHARNEY:
 4 Q. It is -- you can answer the question.
 5 A. Again, the conveyance of the mortgage
 6 loans under the Mortgage Loan Purchase Agreement and
 7 the Pooling and Servicing Agreement occurs
 8 concurrently on the same date. That is why the
 9 assignment in blank is contemplated in these

10 documents. This is typical of securitization
11 documents.

12 Q. Mr. Reyes, is it typical of what you see
13 in the securitization documents that you work with?

14 Is that what you are saying?

15 A. Yes. And it is stated specifically in the
16 matter that is at hand, as I stated, the conveyance
17 of the mortgage loans under the Mortgage Loan
18 Purchase Agreement and the Pooling and Servicing
19 Agreement occur concurrently effective the closing
20 date. And both documents contemplate an assignment
21 of mortgage to blank.

22 Q. By concurrently do you mean
23 simultaneously?

24 A. I mean on the closing date as defined in
25 the Mortgage Loan Purchase Agreement and the Pooling

1 and Servicing Agreement.

2 Q. Mr. Reyes, could you state chronologically,
3 in order how you believe the transfer of this
4 mortgage, the Nuer mortgage, went from the date of
5 origination until the present day?

6 A. My knowledge is only based on the
7 documents at hand. So the mortgage according to the
8 note -- I have to refer back to the date, I don't
9 remember the date now, but there is a date on the
10 note, that is the date that the loan was originated.

11 Q. January 6, 2007?
12 MR. TETTELBAUM: '6.

13 BY MS. CHARNEY:

14 Q. I'm sorry, January 6, 2006.

15 A. Okay. So that is when the loan
16 originated. Now, under the Mortgage Loan Purchase
17 Agreement where Long Beach Securities Corp. is the
18 purchaser and Long Beach Mortgage Company is the
19 seller and as both documents meaning the pooling and
20 Servicing Agreement and Mortgage Loan Purchase
21 Agreement reference one another, Long Beach
22 Securities Corp. is also the depositor under the
23 Mortgage Loan Purchase Agreement -- I apologize, is
24 the depositor under the pooling and servicing
25 Agreement. The Mortgage Loan Purchase Agreement

1 contemplates the conveyance of mortgage loans on the
2 closing date in the Mortgage Loan Purchase Agreement
3 between Long Beach Securities Corp. and Long Beach
4 Mortgage Company. As well, the Pooling and
5 Servicing Agreement contemplates a closing date
6 which is the effective date that the depositor Long
7 Beach Securities Corp. conveys all right title and
8 interest to the trustee. That is what I mean when I
9 state that it occurs on the same day. That is the
10 date the closing date that both documents
11 contemplate the conveyance of the mortgage loans
12 ultimately to the trustee. And as I stated earlier,

13 it is supported by both documents contemplating an
14 assignment of mortgage in blank.

15 Q. Then, Mr. Reyes, based upon what your
16 testimony just was, you have to refer to the content
17 of the Pooling and Servicing Agreement and the
18 Mortgage Loan Purchase Agreement to give content and
19 context to that assignment of mortgage in blank; is
20 that correct?

21 A. I don't know what you mean.

22 Q. Well, let me ask it this way: If you just
23 took at that assignment of mortgage in blank who is
24 that mortgage assigned to?

25 A. It's to blank.

14 testifying, you have to also reference the content
15 of the Mortgage Loan Purchase Agreement to make any
16 understanding that Long Beach Securities Company
17 acquired an interest in this loan in the mortgage
18 and was able to pass that interest to Deutsche Bank
19 National Trust Company; is that correct?

20 A. One has to refer to all of these documents
21 because the Nuer loan is securitized and is part of
22 a mortgage pool that has been securitized. That
23 mortgage pool is an asset of this trust Long Beach
24 2006-2.

25 Q. Now, let me ask you this question: The
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1 Q. Can you make any sense of who that
2 mortgage is assigned to without referencing an
3 extraneous document those being the Pooling and
4 Servicing Agreement for one; is that correct?

5 MR. TETTELBAUM: Objection.

6 THE WITNESS: I don't know how to answer
7 your question other than it has to be taken in
8 context because we are talking about the Nuer loan
9 which Deutsche Bank holds all right title and
10 interest to under the Pooling and Servicing
11 Agreement.

12 BY MS. CHARNEY:

13 Q. And according to what you are also

1 electronic list of loans that is filed with the SEC
2 and that is part of your records at Deutsche Bank
3 National Trust Company is the only documentation
4 that you have to show that the Nuer loan is a part
5 of the collateral loans under this Pooling and
6 Servicing Agreement.

7 MR. TETTELBAUM: Is that a question?

8 BY MS. CHARNEY:

9 Q. Is that correct?

10 A. Say it again, please.

11 Q. The only document that Deutsche Bank
12 National Trust Company has to tie the Nuer loan to
13 Deutsche Bank National Trust Company is the
14 electronic list of loans that is filed with the SEC?
15 A. No. We have the original note endorsed in
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16 blank. The note is a negotiable instrument. We
17 have the note. We have possession of the note. And
18 the original mortgage. And the original title
19 policy.

20 Q. Let's just -- you know, I haven't talked
21 about the note one time, Mr. Reyes. I'm talking
22 about the mortgage.

23 MR. TEITELBAUM: Objection. Okay.
24 Separate the note and the mortgage.

25 BY MS. CHARNEY:

17 Q. And what are those documents?
18 A. We have the original mortgage. We have
19 the assignment in blank.

20 Q. Now, okay. Let's stop right there. How
21 does the original mortgage show an interest in
22 Deutsche Bank National Trust Company?

23 MR. TEITELBAUM: Objection. You are
24 asking for a legal conclusion.

25 BY MS. CHARNEY:

1 Q. So let's stick -- let's talk about the
2 transfer of the mortgage. All right. Let's just

3 assume for the minute that we are talking law here
4 for a minute, because you can sue on a money note

5 all day long and not have a secured interest in real
6 property. So let's just talk about the mortgage

7 here for one moment. Not talking about whether and
8 when the note traveled, I'm just talking about the

9 Nuer mortgage. Is there any document aside from the
10 electronic listing of loans that Deutsche Bank

11 National Trust Company has to show that the Nuer
12 loan is part of this trust?

13 MR. TEITELBAUM: Objection, again.

14 THE WITNESS: Yes. There are other

15 documents. We do have the --

16 BY MS. CHARNEY:

1 Q. You can answer the question, Mr. Reyes.
2 MR. TEITELBAUM: He's not a lawyer. NO,
3 he can't.

4 THE WITNESS: Again, we have the
5 assignment of mortgage in blank.

6 BY MS. CHARNEY:

7 Q. Okay. Now, that is the second document.
8 Show me in the mortgage or the assignment in blank
9 anything that shows an interest in the mortgage in
10 Deutsche Bank National Trust Company?

11 MR. TEITELBAUM: Objection. You are

12 assuming legal issues that don't exist.

13 BY MS. CHARNEY:

14 Q. Mr. Reyes, you can answer the question.

15 A. Again, my understanding of the pooling and
16 Servicing Agreement is that all right title interest
17 in the mortgage loan including the Nuer loan was
18 conveyed to the trustee effective the closing date.
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19 And we received the documents under Section 2.01
 20 that we were supposed to receive with respect to the
 21 mortgage file.
 22 MR. TITTELBAUM: Before you ask your next
 23 question, I just want to take a two-minute recess.
 24 Not to confer with the witness, I just want to take
 25 a two-minute recess.

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1 MS. CHARNEY: That's fine. Mr. Reyes,
 2 we're taking a break for two minutes in case you
 3 didn't get the message.
 4 THE WITNESS: Thank you.
 5 (Discussion held off record.)
 6 BY MS. CHARNEY:
 7 Q. Okay. Mr. Reyes, I'm continuing on now
 8 looking at the Pooling and Servicing Agreement. Now
 9 I'm looking at Article II, Section 2.01(f)?
 10 A. Okay. Let me go to it, please. Okay. F
 11 as in Frank. I'm there.
 12 Q. You see there is that top little paragraph
 13 that says the original lender's title insurance
 14 policy?
 15 A. Yes.
 16 Q. And then there is a big long paragraph
 17 right after that that starts with the word "except"?
 18 A. Yes.
 19 Q. Under this provision of the Pooling and

20 Servicing Agreement except for loans which are MERS
 21 loans -- and this is not a MERS loan, the Nuer loan,
 22 we are agreed this is not a MERS loan, a Mortgage
 23 Electronic Registration Systems loan?
 24 A. Yes.
 25 Q. So if this is not a MERS loan, it says:

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1 "Except with respect to any Mortgage Loan
 2 for which MERS is identified on the
 3 mortgage or on a properly recorded
 4 assignment of the mortgage as the
 5 mortgagee of record, the Master Servicer,
 6 in its capacity as seller, shall promptly
 7 (and in no event later than thirty (30)
 8 Business Days, subject to extension upon a
 9 mutual agreement between the Master
 10 Servicer and the Trustee), following the
 11 later of the Closing Date and the date of
 12 receipt by the Master Servicer of the
 13 recording information for a Mortgage
 14 submit or cause to be submitted for
 15 recording, at no expense to the Trust
 16 Fund, the Trustee or the Depositor, in the
 17 appropriate public office for real
 18 property records, each Assignment referred
 19 to in Section 201(c) and (d) above."
 20 Is that correct? I'm reading -- that is
 21 what it says?

22 A. Yes, that is what it says.
23 Q. So this is not a MERS loan, the Nuer loan
24 is not a MERS loan; is that correct?
25 A. That's correct.

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1 Q. And we don't have a properly recorded
2 assignment of the mortgage?
3 MR. TETTELBAUM: Objection.
4 BY MS. CHARNEY:
5 Q. Is that correct?
6 MR. TETTELBAUM: Objection.
7 Go ahead.
8 BY MS. CHARNEY:
9 Q. Is that correct, Mr. Reyes?
10 A. I disagree. I point you further, if you
11 take that sentence all the way through, there is a
12 notwithstanding clause.
13 "Notwithstanding the foregoing, the
14 assignments shall not be required to be
15 completed and submitted for recording with
16 respect to any Mortgage Loan if each
17 Rating Agency does not require recordation
18 in order for such Rating Agency to
19 assign the initial ratings to the Class A
20 Certificates, the Mezzanine Certificates,
21 and the Class B Certificates and the other
22 NIM notes and the initial shadow rating to

23 REVER0033010.txt
24 the insured NIM notes, without giving
25 effect to any insurance policy issued by
the NIMS insured."

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1 MR. TETTELBAUM: Before the next question,
2 I'm going to put an objection on the record that I
3 object to the methodology employed by the examiner
4 here in reading parts of the clause and not reading
5 the entire clause in a blatant attempt to trick the
6 witness. And I'm going to direct counsel from
7 Florida to New York law as cited by Judge Glenn in
8 the case in re Minbatwalla 2010 West Law 694-166
9 dated March 1, 2010, at star 3 through I think 4
10 where Judge Glenn cites two cases under New York law
11 that says a mortgage can be assigned in two ways:
12 by delivering the bond and mortgage by the assignor
13 to the assignee with the intention that all
14 ownership interest thereby transferred; or by
15 written instrument of assignment.
16 I'm going to direct the witness not to
17 answer any further questions in this regard. Move
18 on to your next area. Put it on the list of things
19 to discuss with Judge Gerber.
20 BY MS. CHARNEY:
21 Q. Mr. Reyes, do you know whether that
22 notwithstanding provision under subsection (f)
23 applies to the Nuer loan?
24 A. It applies to these -- it applies to this

25 mortgage pool including the Nuer loan.

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1 Q. Now, I'm going to go back and ask you a
 2 question I asked you before, is there any document
 3 other than the electronic transfer information
 4 submitted as an exhibit to the Pooling and Servicing
 5 Agreement that in any way identifies the Nuer loan
 6 as within this pool?
 7 MR. TETTELBAUM: Objection. Asked and
 8 answered.

9 You can answer it again.

10 THE WITNESS: Yes.

11 BY MS. CHARNEY:

12 Q. And what document would that be?

13 A. As I stated earlier, under section 2.01 we
 14 received the required documents. And section 2.01
 15 is identical to section 4 of the underlying Mortgage
 16 Loan Purchase Agreement.

17 Q. Is there any document, Mr. Reyes, I'll ask
 18 you again, aside from the electronic listing of
 19 loans that in any way ties the Nuer loan to this
 20 Pooling and Servicing Agreement or to the Mortgage
 21 Loan Purchase Agreement?
 22 A. Yes.

23 MR. TETTELBAUM: I'm sorry. Go ahead.

24 THE WITNESS: Yes, as I stated, we

25 received the documents, the mortgage file documents

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1 as required --

2 BY MS. CHARNEY:

3 Q. I'm asking you -- you are testifying about
 4 receipt of a document that you have no personal
 5 knowledge of. You are testifying from Deutsche
 6 Bank's records, electronic records; correct?
 7 A. Yes, but we physically had possession of
 8 the file and we conducted a review of the original
 9 mortgage loan documents and those mortgage loan
 10 documents do exist.

11 Q. Point me, please, Mr. Reyes, to any
 12 document that refers to the Nuer loan as being a
 13 part of this pool?

14 A. Again, I refer you to the Mortgage Loan
 15 Purchase Agreement, the Pooling and Servicing
 16 Agreement, the mortgage file which Deutsche Bank
 17 National Trust Company as trustee holds.

18 Q. Mr. Reyes, is there a document that ties
 19 the Nuer loan to this pool?
 20 MR. TETTELBAUM: One second.

21 BY MS. CHARNEY:
 22 Q. Please one document. Please, just tell me
 23 which document it is. The only one that I have
 24 evidenced at all is an electronic data recording
 25 populated by we haven't determined yet, but I'm

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1 asking you is there any other document that connects
2 the Nuer loan to this securitization?

3 MR. TETTELBAUM: Before you answer the
4 question, same thing, again, with all respect we're
5 caught in a loop here, do you want an answer to the
6 question? Because there is a document in the
7 witness' possession that if you choose to show it to
8 him it would refresh his recollection. And it's
9 been provided to you. It's been provided to the
10 witness. And if you are looking for an answer as
11 opposed to playing games here, let's move on. And
12 when Mr. Reyes has referred to the Mortgage Loan
13 Purchase Agreement which refers to other schedules
14 annexed thereto. All right?
15 BY MS. CHARNEY:
16 Q. Mr. Reyes, I'm asking you the question,
17 again. Is there any document that you can reference
18 that ties the Nuer loan as being a part of this
19 pool?
20 A. Yes. In addition to the agreements there
21 is a mortgage loan schedule, and as I testified
22 earlier, the loan number on that -- the loan numbers
23 referred to on that mortgage loan schedule match the
24 loan number on our system of record which also
25 matches the actual loan number on the Nuer note.

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1 Q. And this document that you are referring
2 to is a document created by Deutsche Bank National
3 Trust Company; correct?

4 A. The system of record, yes.
5 Q. And it's a document created after the
6 filing of the Pooling and Servicing Agreement;
7 correct?

8 A. I believe that our system of record
9 predates the filing of the Pooling and Servicing
10 Agreement. I refer you to the initial loan review
11 which occurred prior to the March 7, 2006, closing
12 date. We performed the initial loan review on
13 1/13/2006.

14 Q. At the time, then, Mr. Reyes, according to
15 your testimony when you did an initial review of
16 this loan, January 13, 2006; is that your testimony?
17 A. Yes. That is when the initial loan review
18 was performed by Deutsche Bank.

19 Q. There was no Pooling and Servicing
20 Agreement in existence on that date; is that correct
21 Mr. Reyes?

22 A. At that point, yes, that's correct.
23 Q. So at that point when you did the initial
24 loan review there could be no document that would
25 tie the Nuer loan to a March 1, 2006, Pooling and

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1 Servicing Agreement?

2 A. As I said earlier, the Mortgage Loan

3 Purchase Agreement contemplates a closing date for

4 Long Beach Mortgage Loan Trust 2006-2 and effective

5 the closing date the Nuer loan along with many other

6 loans were conveyed to the trustee under the Pooling

7 and Servicing Agreement.

8 Q. And that is your testimony. And my

9 question is: The only data you have to make that

10 statement is your own internal records of Deutsche

11 Bank National Trust Company?

12 A. No. And we held the original mortgage

13 loan documents also as required under the Pooling

14 and Servicing Agreement.

15 Q. The Pooling and Servicing Agreement did

16 not exist when you did your initial loan review; is

17 that correct, Mr. Reyes?

18 MR. TITTELBAUM: Objection.

19 THE WITNESS: Yes. In my last answer I

20 agree with you, but what I'm referring to is the

21 closing date. Again, the mortgage loans including

22 the Nuer loan were conveyed to the trustee in the

23 securitization trust known as Long Beach 2006-2

24 effective the closing date.

25 BY MS. CHARNEY:

2 Deutsche Bank National Trust records, can you tell

3 me how I can determine or how Judge Gerber can

4 determine that this Nuer loan wasn't put in a

5 different pool outside of Deutsche Bank National

6 Trust Company's private internal records?

7 MR. TITTELBAUM: Objection.

8 THE WITNESS: Outside of the context of

9 our system of record, the Pooling and Servicing

10 Agreement, the Mortgage Loan Purchase Agreement and

11 the mortgage file that we hold in custody, I don't

12 know what you mean outside of those bounds.

13 BY MS. CHARNEY:

14 Q. Well, on January 13 when Deutsche Bank

15 National Trust Company, according to your testimony

16 did the initial loan review of the Nuer loan, what

17 determined outside of your company's internal record

18 that this loan went into this pool as opposed to

19 another pool?

20 A. Our system of record indicates that this

21 loan is a part of this pool Long Beach 2006-2.

22 Q. So let's assume for the minute that we

23 can't rely on your internal system of record, is

24 there any other record that we can look at to follow

25 your testimony?

1 Q. Now, Mr. Reyes, aside from your internal

2 MR. TITTELBAUM: Objection. I'm going to

3 direct the witness not to answer the question for I

4 that these documents and the books and records are
5 in any manner, shape and form unreliable. In point
6 of fact, Ms. Nuer's amended objection which was
7 filed with the court includes exhibits --
8 MS. CHARNEY: Well, Mr. Teitelbaum, if it
9 would need to be amended orally or officially to
10 conform to the evidence that is determined through
11 discovery, obviously, that is what we're doing.
12 MR. TEITELBAUM: No. No. No. Let me
13 finish.
14 BY MS. CHARNEY:
15 Q. Mr. Reyes --
16 MR. TEITELBAUM: Ms. Tirelli next to her
17 pleading is the electronic database that you've been
18 referring to, and in that database on one of the
19 last pages to Exhibit C is the loan number. Move on
20 to the next area of inquiry because we're done. You
21 are not -- Ms. Nuer is not even a party --
22 MS. CHARNEY: Mr. Teitelbaum, please don't
23 try to intimidate me.
24 MR. TEITELBAUM: I'm not.
25 MS. CHARNEY: The words "we're done" is
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1 disrespectful and inappropriate in a deposition.
2 MR. TEITELBAUM: I suggest you move on.
3 MS. CHARNEY: Are we done for today? No
4 I'm not done with this line of inquiry.
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5 MR. TEITELBAUM: Then this deposition is
6 over. Okay? Either you move on or the deposition
7 is over?
8 BY MS. CHARNEY:
9 Q. Mr. Reyes, I'm going to ask you another
10 question about the Pooling and Servicing Agreement
11 and the mortgage loan purchase agreement.
12 MR. TEITELBAUM: Is it the same question
13 that you've asked for the past hour?
14 BY MS. CHARNEY:
15 Q. With respect to the mortgage loan purchase
16 agreement, is there any language in that agreement
17 that references the Nuer loan?
18 A. Yes. It refers to -- I don't have the
19 exact definition, but it does refer to mortgage
20 loans and that there will be a schedule of mortgage
21 loans.
22 Q. Does it refer to the Nuer loan, the
23 mortgage loan purchase agreement?
24 MR. TEITELBAUM: By name? Sylvia Nuer?
25 Is that your question?
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1 MS. CHARNEY: Mr. Teitelbaum, please.
2 MR. TEITELBAUM: Is that your question?
3 BY MS. CHARNEY:
4 Q. Mr. Reyes, can you answer the question?
5 A. Again, at the point of the mortgage loan
6 purchase agreement it contemplates conveying
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7 mortgage loans to Long Beach 2006-2 the trust for
8 which Deutsche Bank National Trust Company acts as
9 trustee.

10 Q. When the mortgage loan purchase agreement
11 was filed, was it filed with a list of loans with
12 the SEC?

13 MR. TETTELBAUM: Objection.

14 BY MS. CHARNEY:

15 Q. Can you answer the question, Mr. Reyes?

16 A. I don't know if it was filed with a
17 schedule of the loans with the SEC.

18 Q. Do you know whether a list is -- all
19 right, so I'll ask you, again, you don't know
20 whether there was a list of loans filed with the
21 mortgage loan purchase agreement. So can you
22 identify anything in the mortgage loan purchase
23 agreement that evidences the Nuer loan being
24 involved under the mortgage loan purchase
25 agreement --

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1 MR. TETTELBAUM: wait.

2 BY MS. CHARNEY:

3 Q. -- or subject to the mortgage loan
4 purchase agreement?

5 MR. TETTELBAUM: stop. Objection. Asked
6 and answered. I'm directing the witness not to
7 answer. And if you do not want to move on to the

8 next area of inquiry, the deposition is over.
9 Seriously, end of discussion. If you want to move
10 on to the next area of inquiry, fine. If you want
11 to stay on this inquiry, the deposition is over.

12 BY MS. CHARNEY:

13 Q. Mr. Reyes --

14 A. I apologize to interrupt. We've
15 momentarily lost the connection for about five
16 seconds there. So we're back on. We just lost the
17 connection. We just noticed, you know.

18 THE REPORTER: We didn't get your last
19 question.

20 THE WITNESS: Yeah. Sorry.

21 BY MS. CHARNEY:

22 Q. I'll ask it again. Do you know whether
23 there is a loan schedule that identifies loans sold
24 under the mortgage loan purchase agreement?
25 A. Yes.

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1 Q. And do you know whether that loan schedule
2 was filed as part of the mortgage loan purchase
3 agreement or subsequent to the filing of the
4 mortgage loan purchase agreement?

5 MR. TETTELBAUM: Filing of the mortgage

6 loan where? Filing of the mortgage loan purchase
7 agreement where?

8 BY MS. CHARNEY:

9 Q. Mr. Reyes, can you answer the question?

10 A. I don't understand to whom the filing was
11 made.

12 Q. With the SEC?

13 A. I don't know.

14 Q. So you don't know if there is anything in
15 the Mortgage Loan Purchase Agreement that references
16 the Nuer loan as being one of the loans on a closing
17 schedule?

18 MR. TEITELBAUM: objection.
19 Mischaracterizing the testimony.

20 BY MS. CHARNEY:

21 Q. Is that correct?

22 A. Again, the Mortgage Loan Purchase
23 Agreement contemplates transferring mortgage loans
24 on the closing date to the Long Beach 2006-2 Pooling
25 and Servicing Agreement. And there is a mortgage

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1 loan schedule which is applicable to the Long Beach
2 2006-2 Trust and that mortgage loan schedule
3 includes the Nuer loan.
4 Q. Outside of the assignment in blank form
5 the originating lender, is there any assignment of
6 the mortgage or any document that identifies the
7 transfer under the Mortgage Loan Purchase Agreement
8 or the Pooling and Servicing Agreement of the Nuer
9 loan -- of the Nuer mortgage to Deutsche Bank
10 National Trust Company?

11 MR. TEITELBAUM: objection. Asked and
12 answered. I'm directing the witness not to answer.
13 Move on to the next area.

14 MS. CHARNEY: well, we either need to call
15 the judge or --

16 MR. TEITELBAUM: well, fine, let's do
17 that. Then let's do that. It's absolutely fine.
18 We've spent almost two hours --

19 MS. CHARNEY: Mr. Zipes, it's your
20 initiating deposition, I think this is relevant
21 inquiry especially since this witness has already
22 testified that you can't look at an assignment in
23 this particular case without referencing the Pooling
24 and Servicing Agreement and the Mortgage Loan
25 Purchase Agreement and I think Mr. Teitelbaum is way

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1 out of time. And I'm just trying to do my job to
2 show the lack of that -- essentially to show that
3 Deutsche Bank National Trust Company was fully aware
4 at the time that it filed documents with this
5 bankruptcy court that it did not own this loan in
6 any form that was legal or sufficient to give it
7 standing or real party in interest to file a motion
8 for relief from stay.
9 MR. TEITELBAUM: we're done with the
10 deposition. Ronald, the deposition is over. The
11 deposition is over. The deposition is over. The
12 deposition is over.

13 Ronald, thank you for your time.
 14 MR. ZIPES: We are going to take two
 15 minutes. Give me two minutes to see if I can clear
 16 this up. The record will reflect the deposition is
 17 not over right now. If you give me two minutes I'll
 18 speak with counsel right now.
 19 MR. TETTELBAUM: This line of questioning
 20 is not resuming.
 21 MR. ZIPES: Just give us two minutes.
 22 (Discussion held off record.)
 23 MR. CHARNEY: Are we on the record, Court
 24 Reporter?
 25 MR. TETTELBAUM: Yes, we are on the

1 record. If you are not moving on to your next line
 2 of inquiry, then the examination is over.
 3 MS. CHARNEY: Well, I have to inquire so
 4 we're going to have to go to the judge because you
 5 have so compromised this deposition.
 6 MR. TETTELBAUM: Don't even go there.
 7 That's fine. You will make your record and we'll be
 8 very content just to submit the transcript of the
 9 deposition to the judge and let him rule on whose
 10 compromised the examination. I am prepared to
 11 proceed with this deposition if you are prepared to
 12 move on to the next line of inquiry off of was this
 13 mortgage conveyed to the pool. Period, end of

14 story. It's that simple.
 15 MS. CHARNEY: Well, just for the record,
 16 the witness has testified that I can look to certain
 17 documents to tie the Nuer loan into this pool. And
 18 I'm asking him now that he's listed those documents
 19 to show me in those documents where it refers to the
 20 Nuer loan. And you stopped him so many times now
 21 from answering relevant inquiry that you have
 22 compromised an ability to have a deposition here.
 23 MR. TETTELBAUM: If that is your position,
 24 then the deposition is fine. It's over.
 25 MS. CHARNEY: And not only that, I think

1 at this point I have to raise the issue to the court
 2 that you are so conflicted as to who you represent
 3 here --
 4 MR. TETTELBAUM: Okay. The deposition is
 5 over. We're off the record. You can go to the
 6 judge.
 7 MS. CHARNEY: Give this back to you.
 8 THE REPORTER: Are we done? This is the
 9 reporter.
 10 MR. TETTELBAUM: The examination is
 11 concluded. If the debtor wishes to seek a
 12 protective order or a motion to compel with the
 13 court, they can do so. We've made the witness
 14 available from twelve o'clock P.M. Eastern time till
 15 3.35. The debtor showed up approximately 20 minutes

16 late to the examination. We all waited patiently.
17 The debtor has wasted or spent even the last hour
18 and 40 minutes asking one single line of
19 questioning. The examination is over. And I will
20 note the debtor has refused despite invitation to
21 move on to other areas of inquiry relevant as set
22 forth in the Judge's March 18th ruling. I would
23 like an expedited copy of the transcript, please.
24 THE REPORTER: Anybody else?
25 MR. TETTELBAUM: And I'll send you my

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1 E-mail information. Other parties will send you
2 whatever you need.
3 (Discussion off the record.)
4 MR. ZIPES: I ask everybody to remain here
5 just a second. I have to make a phone call and I'll
6 be back.
7 MR. TETTELBAUM: Examination is over or
8 not or do you have further questions?
9 MR. ZIPES: I might have further
10 questions. Is there a phone that I can use here?
11 (Recess taken.)
12 MR. TETTELBAUM: Ronaldo, Mr. Zipes has a
13 few follow-up questions for you.
14
15 EXAMINATION (CONTINUING)
16 BY MR. ZIPES:

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17 Q. Okay. I understand that matters are going
18 to be put before the judge and my intention is not
19 to interfere with that aspect. I just want some
20 clarification to some questions, again, without
21 prejudice to anybody else's rights here.
22 Mr. Reyes, who is the owner according to
23 the documents that you reviewed, who is the actual
24 owner of the Nuer mortgage?
25 A. Deutsche Bank National Trust Company as

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1 trustee for the benefit of the certificate holders
2 of Long Beach 2006-2.
3 Q. So where does Long Beach Trust 2 fit into
4 the chain of title? If at all?
5 A. The trust is the trust for which we act as
6 trustee.
7 Q. Okay. So I'll ask you, again, because
8 maybe I'm not understanding your term when you say
9 "owner of the mortgage." Why don't you turn to what
10 we marked as USF/Reyes 5. It's an assignment of
11 mortgage signed by Scott Walter. Do you see that?
12 A. One moment, please. Okay. I see it now.
13 Q. Okay. So referring to this, not referring
14 to this, Long Beach Mortgage Trust 2006-2 is that
15 the owner of the Nuer mortgage?
16 A. As it states there the assignee is
17 Deutsche Bank National Trust Company as trustee for
18 Long Beach Mortgage Loan -- as trustee for Long

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19 Beach Mortgage Trust 2006-2.

20 Q. Well, this says that Deutsche -- at least
21 this says Deutsche Bank National Trust Company is
22 trustee?

23 A. Yes.

24 Q. And I'm asking who is the owner of the
25 Nuer mortgage?

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1 A. Deutsche Bank National Trust Company as
2 trustee.

3 Q. Where does Long Beach Mortgage Trust
4 2006-2 fit in to the ownership chain, if any?

5 A. We act as trustee for that trust. I would
6 point you to --

7 Q. Go ahead. Go ahead.

8 A. In my testimony I've been referring to
9 section 2.01 of the pooling and Servicing Agreement,
10 what I'm referring to in 2.01 of the pooling and
11 Servicing Agreement it's titled "Conveyance of
12 Mortgage Loans."

13 "The Depositor, concurrently with the
14 execution and delivery hereof, does hereby
15 transfer, assign, set over and otherwise
16 convey to the Trustee without recourse for
17 the benefit of the Certificateholders all
18 the right, title and interest of the
19 depositor, including any security interest

20 therein for the benefit of the Depositor,
21 in and to the Mortgage Loans identified on
22 the Mortgage Loan Schedule, the rights of
23 the Depositor under the Mortgage Loan
24 purchase Agreement all other assets
25 included or to be included in REMIC 1."

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1 And so on. That is what I have been
2 testifying to today. So it speaks for itself.

3 Q. Okay. So your testimony is that it is
4 what it is?

5 MR. TEITELBAUM: objection.

6 THE WITNESS: It is the trustee. What I
7 was referring to is that is what the document
8 states.

9 BY MR. ZIPES:

10 Q. Okay. And so you mentioned that Long
11 Beach Mortgage Trust 2006-2 is a beneficiary?

12 MR. TEITELBAUM: object. Go ahead.

13 BY MR. ZIPES:

14 Q. Tell me. Go ahead.

15 A. I didn't say that. I said that it is the
16 trust for which we act as trustee.

17 Q. You use the word "trustee" -- I'm actually
18 not trying to trick you in any way here. You use
19 the word "trustee" for Deutsche National Bank and
20 then you also refer to it as the owner, can an owner
21 also be a trustee?

22 MR. TEITELBAUM: Objection. Legal
23 conclusion.
24 BY MR. ZIPES:
25 Q. Okay. If you understand that term from a
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1 nonlegal standpoint?
2 MR. TEITELBAUM: Objection. It does call
3 for a legal conclusion.
4 THE WITNESS: I don't understand from a
5 legal standpoint what you mean, but I do understand
6 what I just stated from a business standpoint and
7 from my understanding of securitization trusts. All
8 right, title and interest in the mortgage loans
9 including the Nuer loan is conveyed to the trustee
10 as I read from Section 2.01.
11 BY MR. ZIPES:
12 Q. Okay. Now, with respect to the assignment
13 of mortgage, do any of your records reflect that
14 there was an assignment of mortgage on November 1st,
15 2008?
16 A. No.
17 Q. Okay. Do any of your records reflect that
18 -- I think you just testified with respect to the
19 PSA; correct?
20 A. Yes.
21 Q. Do any of your records reflect that --
22 okay. I have no further questions.
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23 MR. TEITELBAUM: Mr. Reyes, I'm going to
24 ask you one or two questions so we have a complete
25 record for the court.
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1 MS. CHARNEY: No. We're objecting.
2 MR. TEITELBAUM: You don't have to be
3 here. You can do whatever you want.
4 MS. CHARNEY: You are on my time.
5 MR. TEITELBAUM: No, you are on your time.
6 MS. CHARNEY: I'm objecting, then, because
7 I still want to ask questions and you've directed
8 the witness not to answer anymore --
9 MR. TEITELBAUM: I have offered for you --
10 MS. CHARNEY: You also directed me to move
11 to a different place when I'm representing my client
12 and I get to choose where I get to question the
13 witness.
14 MR. TEITELBAUM: I'm sorry. What does
15 that mean?
16 MS. CHARNEY: So if you are going to
17 continue the deposition then I'm going to move and
18 start asking the questions.
19 MR. TEITELBAUM: I'm sorry. What do you
20 mean by move to a different place?
21 MS. CHARNEY: You are telling me I can't
22 ask any more questions about trying -- how the Nuer
23 loan is tied in to the Pooling and Servicing
24 Agreement?
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25 MR. TETTELBAUM: That's correct.

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1 MS. CHARNEY: Then you don't get to ask
 2 any more questions at this point.
 3 MR. TETTELBAUM: You know what, that's
 4 fine. You know what, we'll have the record before
 5 -- actually, I disagree with you because Mr. Zipes
 6 asked --
 7 MS. CHARNEY: You know, I don't really
 8 want to hear that.
 9 MR. TETTELBAUM: That's fine. Before
 10 anybody goes, I have two questions for you,
 11 Mr. Reyes.
 12 MS. CHARNEY: No. I'm sorry --
 13 BY MR. TETTELBAUM:
 14 Q. Mr. Reyes, with respect to --
 15 MS. CHARNEY: -- this deposition was
 16 concluded by you --
 17 BY MR. TETTELBAUM:
 18 Q. Mr. Reyes --
 19 MS. CHARNEY: -- with the exception -- but
 20 we're not consenting to you, Counsel --
 21 MR. TETTELBAUM: That's fine. Then I want
 22 to know if the parties will consent and stipulate to
 23 the fact that the document which has been marked as
 24 Reyes' Exhibit 2 is a business record of Deutsche
 25 Bank? If the parties stipulate, then I have no

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1 questions.
 2 MS. CHARNEY: We're not stipulating. You
 3 cancelled this deposition. You can't have it both
 4 ways.
 5 MR. TETTELBAUM: You know what, the judge
 6 will decide which ways we have it.
 7 Mr. Reyes, a question for you, sir --
 8 MS. CHARNEY: No. I'm sorry.
 9 BY MR. TETTELBAUM:
 10 Q. U.S. Trustee's Exhibit 2 --
 11 THE REPORTER: You know what, I cannot get
 12 you both down at the same time. So please. I am
 13 getting pissed off right now. I am sorry, ma'am, I
 14 cannot hear you. And I am not taking you down right
 15 now. I can't hear you.
 16 MS. CHARNEY: Mr. Tettelbaum has closed
 17 and stopped this deposition and so we are going off
 18 the record. Thank you very much.
 19 MR. TETTELBAUM: I am going to state for
 20 the record without asking the witness any questions
 21 the purpose for which I was going to speak to the
 22 witness --
 23 MS. CHARNEY: Did you want to --
 24 MR. TETTELBAUM: Wait.
 25 MS. TIRELLI: You want to make your

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1 record, you make your record.
 2 MS. CHARNEY: We are off the record.
 3 MR. TEITELBAUM: No, we are not off
 4 record.
 5 MS. TIRELLI: You concluded it, Jay. You
 6 don't remember that?
 7 MR. TEITELBAUM: I concluded -- I
 8 concluded the examination --
 9 MS. CHARNEY: Whatever, Jay. And we know
 10 how far you will get with Judge Gerber on this.
 11 MR. TEITELBAUM: For the record, the
 12 purpose of my examination was to establish whether
 13 UST/Reyes 2 is a business record of the U.S.
 14 Trustee's office. The parties have determined that
 15 I should not do that. We will reserve that issue.
 16 Thank you. The deposition is now concluded.
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 18 (TIME NOTED: 12:50 P.M.)
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I declare under penalty of perjury
 under the laws of the State of California
 that the foregoing is true and correct.
 Executed on _____, 2010,
 at _____, California.

 SIGNATURE OF THE WITNESS

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1 STATE OF CALIFORNIA) ss:
2 COUNTY OF LOS ANGELES)

3 I, KELLIE MITCHELL, C.S.R. No. 7273, do
4 hereby certify:
5
6

7 That the foregoing deposition testimony of
8 RONALDO REYES was taken before me at the time and
9 place therein set forth, at which time the witness
10 was placed under oath and was sworn by me to tell
11 the truth, the whole truth, and nothing but the
12 truth;

13 That the testimony of the witness and all
14 objections made by counsel at the time of the
15 examination were recorded stenographically by me,
16 and were thereafter transcribed under my direction
17 and supervision, and that the foregoing pages
18 contain a full, true and accurate record of all
19 proceedings and testimony to the best of my skill
20 and ability.

21 I further certify that I am neither
22 counsel for any party in said action, nor am I
23 related to any party to said action, nor am I in any
24 way interested in the outcome thereof.
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5 IN WITNESS WHEREOF, I have subscribed my name
6 this 31st day of March, 2010.
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KELLIE MITCHELL, C.S.R. No. 7273

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