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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION

LARRY BROWN,)	
)	
)	
PLAINTIFF,)	
)	
VS.)	CASE ED CV 12-2009-TJH(SPX)
)	
)	LOS ANGELES, CALIFORNIA
BANK OF AMERICA NA, ET AL.,)	
)	FEBRUARY 27, 2013
)	
)	(10:05 A.M. TO 10:25 A.M.)
DEFENDANTS.)	
_____)	

STATUS/MANAGEMENT CONFERENCE
BEFORE THE HONORABLE TERRY J. HATTER
UNITED STATES DISTRICT JUDGE

APPEARANCES:	SEE NEXT PAGE
COURT REPORTER:	RECORDED; COURT SMART
COURTROOM DEPUTY:	YOLANDA SKIPPER
TRANSCRIBER:	DOROTHY BABYKIN COURTHOUSE SERVICES 1218 VALEBROOK PLACE GLEN DORA, CALIFORNIA 91740 (626) 963-0566

PROCEEDINGS RECORDED BY ELECTRONIC SOUND RECORDING;
TRANSCRIPT PRODUCED BY TRANSCRIPTION SERVICE.

1 APPEARANCES: (CONTINUED)

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5 PRO SE
6 (TELEPHONICALLY)

7 FOR BANK OF AMERICA NA BRYAN CAVE LLP
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9 RECON TRUST, FANNY MAE ATTORNEY AT LAW
10 FREDDIE MAC: 120 BROADWAY
11 SUITE 300
12 SANTA MONICA, CALIFORNIA 90401

13 BRYAN CAVE LLP
14 BY: ALYSON DUDKOWSKI
15 ATTORNEY AT LAW
16 3161 MICHELSON DRIVE
17 SUITE 1500
18 IRVINE, CALIFORNIA 92612

19 FOR AURORA BANK FSB: SEVERSON & WERSON APC
20 BY: REBECCA SNAVELY SAELAO
21 ATTORNEY AT LAW
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(TELEPHONICALLY)

1 APPEARANCES: (CONTINUED)

2 FOR WACHOVIA HOME PRENOVOST NORMANDIN BERGH DAWE
3 MORTGAGE, WELLS FARGO BY: DOROTHY R. GROZA
4 HOME MORTGAGE, WORLD ATTORNEY AT LAW
5 SAVINGS BANK, AMERICAN 2122 NORTH BROADWAY
6 SECURITIES COMPANY, SUITE 200
7 SUED AS WELLS FARGO, SANTA ANA, CALIFORNIA 92706
8 AMERICA'S SERVICING
9 COMPANY, DOING BUSINESS AS
10 WELLS FARGO HOME MORTGAGE:
11 SPECIAL APPEARANCE
12 FOR JOHN KENNEDY:

13 FOR MTC FINANCIAL, BURKE WILLIAMS & SORENSEN
14 DOING BUSINESS AS BY: ANTHONY K. MC CLAREN
15 TRUSTEE CORP: ATTORNEY AT LAW
16 444 SOUTH FLOWER STREET
17 SUITE 2400
18 LOS ANGELES, CALIFORNIA 90071

19 FOR PNC, NATIONAL CITY: BALLARD SPAHR LLP
20 BY: DAVID H. PITTINSKY
21 ATTORNEY AT LAW
22 1735 MARKET STREET
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24 PHILADELPHIA, PENNSYLVANIA 19103

25 BALLARD SPAHR LLP
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ATTORNEY AT LAW
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FOR OCWEN LOAN HOUSER & ALLISON, APC
SERVICING LLC: BY: RENEE REYES DE GOLIER
ATTORNEY AT LAW
3780 KILROY AIRPORT WAY
SUITE 130
LONG BEACH, CALIFORNIA 90806

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APPEARANCES: (CONTINUED)
FOR WELLS FARGO BANK NA: ANGLIN FLEWELLING RASMUSSEN
CAMPBELL & TRYTTEN
BY: JEREMY E. SHULMAN
ATTORNEY AT LAW
199 SOUTH LOS ROBLES AVENUE
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PASADENA, CALIFORNIA 91101

FOR PHH MORTGAGE AND WRIGHT FINLAY & ZAK
WELLS FARGO BANK, BY: PETER M. WATSON
DOING BUSINESS AS ATTORNEY AT LAW
AMERICAN SERVICING CO.: 4665 MAC ARTHUR COURT
SUITE 280
NEWPORT BEACH, CALIFORNIA 92660

I N D E X

CASE NO. ED CV 12-2009-TJH(SPX)

FEBRUARY 27, 2013

PROCEEDINGS: STATUS/MANAGEMENT CONFERENCE

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1 LOS ANGELES, CALIFORNIA; WEDNESDAY, FEBRUARY 27, 2013

2 10:05 A.M.

3 THE CLERK: PLEASE REMAIN SEATED. THIS COURT IS
4 NOW IN SESSION.

5 CALLING CASE ED CIVIL 12-2009, LARRY BROWN VERSUS
6 BANK OF AMERICA.

7 MR. BROWN: HELLO.

8 THE CLERK: PLEASE STATE YOUR APPEARANCE.

9 MR. BROWN: LARRY BROWN, PLAINTIFF.

10 MS. GUERENA: HEATHER GUERENA SPECIALLY APPEARING
11 ON BEHALF OF U.S. BANK.

12 THE COURT: THANK YOU.

13 ANYONE ELSE ON THE PHONE?

14 MS. SAELAO: OH, REBECCA SAELAO ON BEHALF OF AURORA
15 BANK SSB, YOUR HONOR.

16 THE COURT: THANK YOU.

17 ANYONE ELSE ON THE PHONE?

18 IF NOT, COUNSEL HERE, IF YOU WOULD GIVE US YOUR
19 APPEARANCES.

20 MR. PITTINSKY: DAVID PITTINSKY, BALLARD SPAHR, FOR
21 PMC AND NATIONAL CITY, YOUR HONOR.

22 THE COURT: ALL RIGHT. THANK YOU.

23 MS. DUDKOWSKI: AND GOOD MORNING, YOUR HONOR.

24 ALYSON DUDKOWSKI ON BEHALF OF JP MORGAN CHASE BANK
25 NA.

1 THE COURT: THANK YOU.

2 MR. RECOR: GOOD MORNING, YOUR HONOR.

3 BRIAN RECOR FOR BANK OF AMERICA NA, COUNTRYWIDE,
4 RECON TRUST, MERS, FANNY MAE AND FREDDIE MAC.

5 THE COURT: THANK YOU.

6 YOU'RE REPRESENTING ALMOST AS MANY PEOPLE AS MR.
7 BROWN.

8 GO AHEAD.

9 MR. WATSON: GOOD MORNING, YOUR HONOR.

10 PETER WATSON FOR PHH MORTGAGE AND WELLS FARGO BANK
11 DOING BUSINESS AS AMERICAN SERVICING COMPANY.

12 THE COURT: THANK YOU.

13 MS. GROZA: GOOD MORNING, YOUR HONOR.

14 DOROTHY GROZA APPEARING ON BEHALF OF WACHOVIA HOME
15 MORTGAGE, WELLS FARGO HOME MORTGAGE, WORLD SAVINGS BANK,
16 AMERICAN SECURITIES COMPANY SUED AS WELLS FARGO, AMERICA'S
17 SERVICING COMPANY DOING BUSINESS AS WELLS FARGO HOME
18 MORTGAGE, INC. AND A SPECIAL APPEARANCE ON BEHALF OF JOHN
19 KENNEDY.

20 THE COURT: WHO IS JOHN KENNEDY?

21 MS. GROZA: AN INDIVIDUAL DEFENDANT.

22 THE COURT: ALL RIGHT. WELL, WE DON'T HAVE SPECIAL
23 APPEARANCES IN THE FEDERAL COURT, BUT YOU ARE APPEARING --

24 MS. GROZA: WILL APPEAR ON BEHALF OF JOHN KENNEDY.

25 THE COURT: ALL RIGHT.

1 MS. GROZA: THANK YOU, YOUR HONOR.

2 MR. SHULMAN: GOOD MORNING, YOUR HONOR.

3 JEREMY SHULMAN ALSO FOR WELLS FARGO BANK NA. THERE
4 MAY BE SOME STRAIGHTENING OUT OF THE REPRESENTATION AS I ALSO
5 WAS REQUESTED TO APPEAR FOR ALL THE PARTIES THAT PRIOR
6 COUNSEL JUST APPEARED FOR. SO, WE'LL DISCUSS IT --

7 THE COURT: YES, PLEASE DO.

8 MR. SHULMAN: -- AND STRAIGHTEN THAT OUT.

9 THE COURT: ALL RIGHT.

10 MS. DE GOLIER: GOOD MORNING, YOUR HONOR.

11 RENEE DE GOLIER APPEARING ON BEHALF OF OCWEN LOAN
12 SERVICING LLC.

13 THE COURT: THANK YOU.

14 MR. PETLAK: GOOD MORNING, YOUR HONOR.

15 ALAN PETLAK FROM BALLARD SPAHR ALSO APPEARING ON
16 BEHALF OF PNC AND NATIONAL CITY.

17 THE COURT: THANK YOU.

18 MR. MC CLAREN: GOOD MORNING, YOUR HONOR.

19 ANTHONY MC CLAREN WITH BURKE, WILLIAMS AND SORENSEN
20 ON BEHALF OF MTC FINANCIAL, DOING BUSINESS AS TRUSTEE CORP.

21 THE COURT: THANK YOU.

22 MR. MC CLAREN: THANK YOU.

23 THE COURT: ALL RIGHT.

24 WELL, SINCE WE DON'T HAVE A REPUTED PLAINTIFF HERE,
25 WHY DON'T YOU JUST TAKE WHATEVER SEATS ARE HERE. NORMALLY

1 THIS WOULD BE THE PLAINTIFF'S SIDE, AND THAT'S THE DEFENSE
2 SIDE. SO, JUST TAKE SEATS.

3 AND WHENEVER YOU FEEL THE NEED TO ADDRESS THE
4 COURT, PLEASE REPEAT YOUR REPRESENTATIONS FOR THE SANITY OF
5 THE COURT RECORDER.

6 THE MATTER IS HERE FOR A STATUS
7 CONFERENCE/MANAGEMENT CONFERENCE.

8 I REALLY BELIEVE THE FIRST THING WE SHOULD TAKE UP
9 IS THIS DEFENDANT'S REQUEST TO ADD THE ITEM TO THE INITIAL
10 MANAGEMENT CONFERENCE. AND IT HAS TO DO WITH STRAIGHTENING
11 OUT JUST WHO HAS THE RIGHT TO REPRESENT PLAINTIFFS, IF
12 ANYONE.

13 GO AHEAD.

14 MR. PITTINSKY: YOUR HONOR, DAVID PITTINSKY.

15 THE COURT: YES.

16 MR. PITTINSKY: I WAS THE ONE WHO SUBMITTED THE
17 ADDITIONAL AGENDA ITEM FOR YOUR HONOR'S CONSIDERATION.

18 THE COURT: YES.

19 MR. PITTINSKY: AND THERE ARE TWO REASONS WHY I
20 REQUESTED THE ADDITION OF THE ASSIGNMENT QUESTION TO THE
21 AGENDA.

22 THE FIRST IS, AND IT'S CLEAR FROM THE COMPLAINT,
23 THAT THERE WERE TWO ASSIGNMENTS IN THIS CASE. THERE'S AN
24 ASSIGNMENT FROM THE -- ALLEGED ASSIGNMENTS.

25 THE COURT: PURPORTED, YES.

1 MR. PITTINSKY: AND ONE FROM THE 158 OR SO
2 PLAINTIFFS ON EXHIBIT A TO A COMPANY BY THE NAME OF
3 LIFESAVERS CONCEPTS, AND THEN AN ASSIGNMENT FROM LIFESAVERS
4 CONCEPTS -- AN ALLEGED ASSIGNMENT -- TO MR. BROWN.

5 AND WE HAVE NOT SEEN THOSE ASSIGNMENTS. THEY
6 HAVEN'T BEEN PRODUCED.

7 THE COURT: AND NOR HAS THE COURT.

8 MR. PITTINSKY: AND NOR HAS THE COURT.

9 AND, OBVIOUSLY, IF THEY'RE NOT VALID ASSIGNMENTS,
10 MR. BROWN HAS NO BASIS FOR PROCEEDING HERE. HE HAS NO
11 STANDING TO PROCEED HERE IF HE DOESN'T HAVE VALID
12 ASSIGNMENTS. AND HE --

13 THE COURT: WELL, LET'S SAY THAT HE HAS THESE VALID
14 ASSIGNMENTS. DOES HE HAVE THE RIGHT TO PROCEED PRO SE?

15 MR. PITTINSKY: NO, I WOULD SAY HE DOESN'T, YOUR
16 HONOR. THERE ARE SEVERAL CASES IN THE NINTH CIRCUIT WHICH
17 HOLD -- AND I'M WILLING TO GIVE YOUR HONOR THE CASES TODAY --

18 THE COURT: YES.

19 MR. PITTINSKY: -- IF YOUR HONOR WOULD LIKE TO SEE
20 THEM. BUT THEY HOLD THAT IF A PRO SE PLAINTIFF IS SEEKING TO
21 ACHIEVE A BENEFIT FOR SOMEONE OTHER THAN HIMSELF OR HERSELF,
22 THEY CANNOT PROCEED PRO SE. YOU CANNOT PROCEED ON BEHALF OF
23 OTHERS TO BENEFIT OTHERS AS A PRO SE PLAINTIFF BECAUSE YOU'RE
24 NOT A LAWYER. AND --

25 THE COURT: WELL, WILL THAT REALLY BE APPLICABLE

1 BECAUSE IF HE'S RIGHT, AND HE HAS THE ASSIGNMENT, THEN, HE'S
2 ONLY PROCEEDING ON HIS OWN BEHALF AT THAT POINT.

3 MR. PITTINSKY: NO, YOUR HONOR. THAT'S WHY YOU
4 HAVE TO SEE THE ASSIGNMENTS BECAUSE IT MAY TURN OUT --

5 MR. BROWN: LARRY BROWN, PRO SE --

6 THE COURT: WELL, THAT'S WHAT I SAID --

7 MR. BROWN: IF I MAY --

8 THE COURT: JUST A MINUTE, PLEASE.

9 MR. PITTINSKY: IT MAY TURN OUT --

10 MR. BROWN: -- IF I MAY INTERVENE?

11 THE COURT: NO, JUST A MINUTE.

12 MR. PITTINSKY: I'M SORRY.

13 THE COURT: IF, INDEED, HE DOES HAVE VALID
14 ASSIGNMENTS, THEN WHATEVER PROPERTY RIGHTS THERE MIGHT HAVE
15 BEEN PRESENT IN THESE 158 OF THE PEOPLE NOW RESIDE IN HIM.
16 SO, HE WOULD BE REPRESENTING HIMSELF.

17 WOULD HE NOT?

18 MR. PITTINSKY: NO, YOUR HONOR.

19 THE COURT: NO? WHY NOT?

20 MR. PITTINSKY: RESPECTFULLY HE WOULD NOT BE. IF
21 HE'S SEEKING TO BENEFIT THE ASSIGNORS, IF HE'S SEEKING TO
22 BENEFIT THEM IN SOME WAY AND REPRESENT THEM IN SOME WAY --
23 AND THAT'S WHY YOU NEED TO SEE THE ASSIGNMENTS -- THEN, THE
24 LAW IS VERY CLEAR.

25 THE COURT: WELL, BUT I'M --

1 MR. PITTINSKY: AND THERE ARE THREE CASES --

2 THE COURT: BUT I'M SUPPOSING THAT ALL OF THE
3 ASSIGNMENTS ARE VALID. HE CLAIMS THAT THERE'S BEEN A PROPER
4 QUID PRO QUO, AND HE NOW OWNS THEM. SO, ALL RIGHTS RESIDE IN
5 HIM.

6 MR. PITTINSKY: WELL, IF THAT'S TRUE, THAT YOUR
7 HONOR'S CORRECT, BUT THAT'S WHY YOU HAVE TO SEE THE
8 ASSIGNMENTS. YOU SEE --

9 THE COURT: WELL, I'M EVEN CONCERNED BEYOND THAT
10 THOUGH. EVEN IF THEY'RE VALID ASSIGNMENTS.

11 FIRST OF ALL, I DON'T FRANKLY BELIEVE THAT THESE
12 PAPERS THAT HAVE BEEN SUBMITTED ON BEHALF OF THE PUTATIVE
13 PLAINTIFF WERE DONE BY HIM.

14 MR. PITTINSKY: WELL, WE KNOW THEY WERE NOT DONE BY
15 HIM, YOUR HONOR. AND THE REASON I CAN SAY THAT IS THAT WE
16 HAVE A CASE THAT WAS FILED IN THE NORTHERN DISTRICT OF
17 GEORGIA BY LIFESAVERS CONCEPTS --

18 THE COURT: OH, REALLY.

19 MR. PITTINSKY: -- ONE OF THE PERSONS -- THE COMPANY
20 THAT HE SAYS HE RECEIVED AN ASSIGNMENT FROM -- I COULD HAND
21 IT UP TO YOUR HONOR -- WHERE, FIRST OF ALL, THE SAME
22 PLAINTIFFS THAT ARE IN THIS CASE WERE IN THAT CASE. AND
23 WHOLESALE PORTIONS OF THE COMPLAINT IN THE CASE IN GEORGIA
24 WHERE IT WAS REPRESENTED BY A LAWYER, BY MR. WADSWORTH,
25 WHOLESALE PORTIONS OF THAT COMPLAINT HAVE BEEN PUT IN THE

1 COMPLAINT HERE BY MR. BROWN.

2 THE COURT: I SEE.

3 MR. PITTINSKY: AND THAT'S WHY WE SUSPECT THAT HE
4 IS NOT ACTING ALONE HERE, AND THAT THERE IS A LAWYER
5 ASSISTING.

6 NOW, I COULD SHOW YOU -- WE'VE MARKED UP --

7 THE COURT: IS THAT CASE IN THE NORTHERN DISTRICT
8 OF GEORGIA IN ATLANTA OR WHERE?

9 MR. PITTINSKY: YES. IT WAS VOLUNTARILY DISMISSED
10 BY MR. WADSWORTH.

11 THE COURT: I SEE.

12 MR. PITTINSKY: AND IT'S NO LONGER PENDING THERE.

13 BUT MANY OF THOSE PLAINTIFFS HAVE NOW MIGRATED TO
14 MR. BROWN'S PRO SE COMPLAINT. AND WHOLESALE PORTIONS OF THE
15 COMPLAINT THAT WAS FILED THERE ARE NOW IN HIS COMPLAINT.

16 THE COURT: NO, I UNDERSTAND THAT.

17 WHAT ABOUT THE ASSIGNMENT ISSUE? WHAT TRANSPIRED
18 IN THE NORTHERN -- IN WHICHEVER DISTRICT OF GEORGIA. AND LET
19 ME --

20 MR. BROWN: THERE WERE NO -- LARRY BROWN.

21 THE COURT: JUST A MINUTE, SIR.

22 MR. BROWN: THERE WERE NO ASSIGNMENTS AT THAT TIME,
23 JUDGE.

24 THE COURT: SIR, JUST A MINUTE.

25 MR. BROWN: YES, SIR.

1 THE COURT: ALL RIGHT.

2 WHAT DO YOU KNOW, IF ANYTHING, ABOUT ANY
3 ASSIGNMENTS IN THE CASE IN I TAKE IT THE NORTHERN DISTRICT OF
4 GEORGIA?

5 MR. PITTINSKY: WELL, YOUR HONOR, I WAS NOT IN THE
6 CASE.

7 THE COURT: NO, BUT --

8 MR. PITTINSKY: SO, I DON'T KNOW WHAT HAPPENED IN
9 THE ASSIGNMENTS. BUT THE PLAINTIFFS WERE NAMED PARTIES IN
10 THE CASE.

11 THE COURT: SO, THERE WAS NOT AN ISSUE --

12 MR. PITTINSKY: THEY WEREN'T--

13 THE COURT: -- OF ASSIGNMENTS IN THAT?

14 MR. PITTINSKY: NO, IT WAS NOT AN ISSUE OF AN
15 ASSIGNMENT.

16 THE COURT: ALL RIGHT. WELL --

17 MR. PITTINSKY: THE PLAINTIFFS WERE NAMED PARTIES.
18 AND THEY HAD COUNSEL. IT WAS NOT A PRO SE COMPLAINT. THEY
19 WERE REPRESENTED BY MR. WADSWORTH.

20 THE COURT: WAS THIS MR. BROWN INVOLVED IN THAT
21 MATTER AT ALL FROM WHAT YOU'VE SEEN IN THE PAPERS?

22 MR. PITTINSKY: NO, HE WAS NOT.

23 THE COURT: I SEE.

24 MR. PITTINSKY: NO, HE WAS NOT.

25 THE COURT: ALL RIGHT.

1 MR. PITTINSKY: AND, YOUR HONOR, I HAVE -- THIS IS
2 THE COMPLAINT. AND WE HAVE HIGHLIGHTED --

3 THE COURT: YES.

4 MR. PITTINSKY: -- HIGHLIGHTED SECTIONS OF THE
5 COMPLAINT, WHICH NOW FIND THEMSELVES IN THE COMPLAINT HERE --

6 THE COURT: YES. YES. I IMAGINE IT'S PRETTY --

7 MR. PITTINSKY: -- VERBATIM.

8 THE COURT: -- PRETTY MUCH BOILERPLATE.

9 MR. PITTINSKY: RIGHT, RIGHT.

10 THE COURT: ALL RIGHT.

11 MR. PITTINSKY: SO, THAT'S WHY WE REQUESTED THAT
12 ONE OF THE ITEMS ON THE AGENDA BE WHETHER THIS WAS REALLY A
13 PRO SE PROCEEDING.

14 THE COURT: YES, IT SHOULD BE.

15 LET ME HEAR NOW FROM MR. BROWN.

16 FIRST OF ALL, MR. BROWN, YOU DID NOT REQUEST OF THE
17 COURT TO APPEAR TELEPHONICALLY UNTIL THIS MORNING. AND
18 THAT'S REALLY NOT PROPER.

19 I SEE IN YOUR PAPERS THAT YOU INDICATE THAT YOU
20 RESIDE IN RIVERSIDE, CALIFORNIA. NOW YOU'RE IN STOCKTON,
21 WHICH IS IN THE EASTERN DISTRICT OF CALIFORNIA.

22 MR. BROWN: I GO BOTH PLACES, YOUR HONOR.

23 BUT LET ME FIRST SAY YOU'RE ABSOLUTELY CORRECT.
24 THE COURT DID NOT HAVE TO ALLOW ME TO BE ON TELEPHONICALLY.

25 THE COURT: WELL, I'M ALLOWING IT NOW.

1 SO, TELL ME WHERE ARE THE ASSIGNMENTS, EITHER FROM
2 THESE 150--SOME INDIVIDUALS AND/OR FROM THIS ASSOCIATION.

3 MR. BROWN: TWO DIFFERENT THINGS, IF I MAY ADDRESS
4 THAT.

5 WITH THE COURT'S PERMISSION UNDER RULE 15(A), I
6 PLAN ON DOING AN AMENDED COMPLAINT TO BE FILED TUESDAY OR
7 WEDNESDAY WITH ALL OF THE ASSIGNMENTS CONNECTED THERETO TO
8 LIFESAVERS AND THE ASSIGNMENTS FROM THERE TO ME.

9 IN ADDRESSING THE GENTLEMAN'S CONCERN, I WANT TO
10 LIST SOMETHING FOR PURPOSES OF THE RECORD.

11 AS I CAN TELL THROUGH THE DOCKETS, HE DID NOT
12 SUBMIT WHAT HE'S ARGUING TODAY BY THE 4TH. SO, I DON'T KNOW
13 WHY THE COURT IS TAKING ISSUE WITH THIS. BUT THAT'S OKAY. I
14 CAN ADDRESS THE ISSUE.

15 NUMBER TWO, I AM AMENDING THE COMPLAINT AS I SAID.

16 THE COURT: WELL, FIRST OF ALL, LET ME INDICATE TO
17 YOU I DON'T UNDERSTAND WHAT NUMBER ONE IS.

18 BUT GO AHEAD WITH YOUR NUMBER TWO.

19 MR. BROWN: YES, SIR.

20 NUMBER TWO IS I AM AMENDING THE COMPLAINT, REMOVING
21 POSSIBLY 35 TO 45 OTHER DEFENDANTS, INCLUDING THE DEFENDANT
22 -- INCLUDING SOME OF THE DEFENDANTS THAT ARE REPRESENTED
23 CURRENTLY BY COUNSEL.

24 I UNDERSTAND WITH IMPUNITY THAT THE COMPLAINT AS
25 DRAFTED IS INARTFULLY PLED, AND I PLAN ON CURING THOSE

1 ISSUES.

2 THE COURT: WELL, LET ME INTERRUPT YOU.

3 MR. BROWN: YES, SIR.

4 THE COURT: HOW DO YOU FIND THAT -- HAVE YOU BEEN
5 TRAINED IN THE LAW, SIR?

6 MR. BROWN: NO, SIR. BUT --

7 THE COURT: ARE YOU A MEMBER OF THE CALIFORNIA BAR?

8 MR. BROWN: I'M CERTAINLY NOT, SIR.

9 THE COURT: ARE YOU A MEMBER OF ANY OTHER BAR?

10 MR. BROWN: NO, SIR.

11 THE COURT: ALL RIGHT. GO AHEAD.

12 MR. BROWN: HOWEVER, I HAVE AN EXTENSIVE BACKGROUND
13 IN LITIGATION AS A PRO SE. AND WILL GIVE YOU SOME OF THOSE
14 CASES THAT YOU CAN GO TO FROM THE ELEVENTH CIRCUIT TO THE
15 SUPREME COURT THAT I'VE WON.

16 THE ISSUE WITH RESPECT TO -- WHERE THEY ARE TAKING
17 IT FROM, THE DEFENDANTS, IS THAT, YOUR HONOR, I THINK A LOT
18 OF THESE ISSUES CAN BE MOOT WHEN THE AMENDED COMPLAINT IS
19 DRAFTED AS THERE WILL BE NO INDIVIDUAL DEFENDANTS AS THEY ALL
20 WILL BE REMOVED AS WELL AS ABOUT 25 TO 30 OF THE OTHER
21 INDIVIDUALS THAT ARE -- CORPORATIONS THAT WILL BE REMOVED,
22 SUCH AS NATIONAL CITY MORTGAGE AND OTHERS. I'VE NARROWED MY
23 SCOPE DOWN.

24 IN MY COMPLAINT, I BELIEVE IT'S PARAGRAPH 375, I
25 OFFER TENDER. THAT'S GOING TO BE A VERY IMPORTANT PART FOR

1 ME, AND THE REASON BEING IS ALL OF THE THINGS NECESSARY FOR
2 ME TO OFFER TENDER SHOULD BE IN PLACE, EXCUSE THE EXPRESSION,
3 BY AIG COME WEDNESDAY.

4 SO, I'M NOT IN THIS TO PLAY A GAME.

5 WITH RESPECT TO THE GENTLEMAN AS TO THE NORTH --
6 THE NORTH GEORGIA LAWSUIT, NORTHERN DISTRICT, LET ME SAY THAT
7 MR. WADSWORTH WAS AN ATTORNEY THAT I RETAINED. I DRAFTED THE
8 INARTFUL COMPLAINT AND SAID DO WHAT YOU NEED TO DO TO MAKE IT
9 RIGHT. HE FILED IT THE WAY I DRAFTED IT. AND I FIRED HIM.
10 PERIOD. I SAID IF YOU'RE A LAWYER, AND YOU CAN'T DO YOUR
11 JOB, AND I'M DOING IT FOR YOU.

12 SO, I WANT TO ADDRESS THAT ISSUE WITH IMPUNITY TO
13 SAY, YES, SIR, YOU'RE RIGHT. SOME OF THE SAME THINGS -- THE
14 GENTLEMAN IS RIGHT. SOME OF THE SAME THINGS THAT'S
15 INCORPORATED IN THAT LAWSUIT IS INCORPORATED IN THIS ONE. I
16 DRAFTED IT. IT SHOULD BE.

17 THE COURT: ALL RIGHT. THANK YOU FOR THAT.

18 MR. PETLAK, DO YOU OR ANY OTHER COUNSEL HERE HAVE
19 ANYTHING TO SAY ABOUT AN AMENDED COMPLAINT BEING FILED?

20 MR. PITTINSKY: WELL, YOUR HONOR, OBVIOUSLY, I
21 DON'T WANT TO OBJECT TO HIM FILING AN AMENDED COMPLAINT AND
22 DELETING MY CLIENTS FROM IT. BUT I WOULD SUGGEST THAT IT MAY
23 BE APPROPRIATE FOR WHOEVER IS LEFT IN THE CASE TO HAVE A
24 SCHEDULE FOR FILING MOTIONS TO DISMISS BECAUSE I'M SURE THAT
25 THEY WOULD WANT TO FILE THEM.

1 THE COURT: I WOULD THINK.

2 MR. PITTINSKY: AND THE LAW IS PRETTY CLEAR IN
3 CALIFORNIA IN THE DISTRICT COURTS ON THESE CLAIMS. I DON'T
4 WANT TO BE PRESUMPTUOUS, BUT I'VE REVIEWED IT ALL BECAUSE I
5 WAS PLANNING TO FILE A MOTION TO DISMISS.

6 THE COURT: YES.

7 MR. PITTINSKY: AND THE LAW IS PRETTY CLEAR ABOUT
8 THESE CLAIMS BEING INVALID AND MERITLESS UNDER NUMEROUS
9 DECISIONS FROM THE DISTRICT COURTS OF CALIFORNIA --

10 THE COURT: YES.

11 MR. PITTINSKY: -- INCLUDING ONE FROM YOUR COLLEAGUE
12 JUDGE SNYDER IN THE GILMORE CASE. SO --

13 THE COURT: YES. AND I THINK THERE'S ONE PENDING
14 NOW WITH MY COLLEAGUE JUDGE ANDERSON.

15 MR. PITTINSKY: RIGHT.

16 BUT, AGAIN, I DON'T WANT TO LOOK A GIFT HORSE IN
17 THE MOUTH IF HE'S GOING TO DELETE PMC AND NATIONAL CITY
18 MORTGAGE FROM HIS COMPLAINT. THAT'S --

19 MR. BROWN: DID NOT SAY PMC, SIR. I SAID NATIONAL
20 CITY MORTGAGE.

21 THE COURT: JUST A MINUTE, SIR.

22 MR. PITTINSKY: THAT'S FINE WITH ME. BUT I STILL
23 THINK YOU WILL PROBABLY NEED A SCHEDULE FOR FILING MOTIONS TO
24 DISMISS.

25 THE COURT: YES.

1 ALL RIGHT. ANY OTHER --

2 MR. BROWN: WELL, JUDGE, IF I MAY SAY SOMETHING.

3 THE COURT: JUST A MINUTE, SIR.

4 MR. BROWN: YES, SIR.

5 THE COURT: WHEN I CALL UPON YOU, THEN YOU MAY

6 RESPOND.

7 MR. BROWN: YES, SIR.

8 THE COURT: ALL RIGHT.

9 MR. BROWN: -- WITH --

10 THE COURT: ALL RIGHT. ANY OTHER COUNSEL HERE WISH

11 TO BE HEARD?

12 MR. RECOR: YOUR HONOR, BRIAN RECOR AGAIN FOR BANK
13 OF AMERICA AND OTHERS.

14 THE COURT: YES.

15 MR. RECOR: WE CANNOT OPPOSE LEAVE TO AMEND BECAUSE
16 IT'S GRANTED WITH LIBERALITY. WE UNDERSTAND THAT.

17 BUT I WOULD SUGGEST THAT YOUR HONOR REQUIRE
18 PRODUCTION OF THE ASSIGNMENTS.

19 THE COURT: OH, YES. YES.

20 MR. RECOR: I'VE HAD SOME COMMUNICATIONS WITH MR.
21 BROWN PRIOR TO THE CONFERENCE TODAY. AND HE IDENTIFIED YET
22 OTHER PROPERTIES AND OTHER BORROWERS WHO ARE NOT INCLUDED IN
23 HIS COMPLAINT.

24 SO, I'M A LITTLE AFRAID TO SEE THE FIRST AMENDMENT
25 COMPLAINT. THEY MAY HAVE A THOUSAND PEOPLE WITH IT.

1 THE COURT: YES.

2 ALL RIGHT.

3 YES? GO AHEAD.

4 MR. PITTINSKY: NO, I --

5 THE COURT: OH.

6 MR. BROWN, I'M GOING TO ALLOW YOU 30 DAYS IN WHICH
7 TO ATTEMPT TO AMEND YOUR COMPLAINT SO THAT IT'S IN COMPLIANCE
8 WITH THE FEDERAL RULES. AND ATTACH TO ANY AMENDED COMPLAINT
9 THERE'S GOING TO HAVE TO BE THESE VERIFIED ASSIGNMENTS THAT
10 YOU INDICATE THAT YOU HAVE.

11 MR. BROWN: YES, SIR.

12 THE COURT: EITHER YOU OR THIS ASSOCIATION.

13 AND WHERE IS THIS ASSOCIATION HEADQUARTERED?

14 MR. BROWN: IT'S BASED OUT OF NORTH CAROLINA.

15 HOWEVER, IT NOW RESIDES UP IN THE STOCKTON AREA. THE GUY IS
16 LICENSED TO DO -- QUALIFIED TO DO BUSINESS UP IN STOCKTON,
17 SIR.

18 AND I WOULD HAVE NO OBJECTION TO PROVIDING THE
19 ASSIGNMENTS. AND THAT WAS SOME OF THE ISSUES THAT I WANTED
20 TO CLEAR TODAY SO THAT EVERYONE IS ON AN EVEN KEEL. YOU
21 KNOW, THE GENTLEMAN CITED SOME CASES. AND THAT'S FINE AND
22 THAT'S WELL. BUT --

23 THE COURT: ALL RIGHT. WE CAN GET BEYOND THAT.

24 MR. BROWN: -- I THINK HE NEEDS TO -- YES, SIR.

25 THE COURT: YOU ARE GOING TO BE ALLOWED 30 DAYS IN

1 WHICH TO ATTEMPT TO FILE AN AMENDED COMPLAINT THAT WILL HAVE
2 ATTACHED WITH THAT FILING THE VERIFIED ASSIGNMENTS THAT YOU
3 SUGGEST THAT YOU HAVE.

4 MR. BROWN: YES, SIR.

5 THE COURT: THEN, WE'LL HAVE ANOTHER 30-DAY PERIOD
6 WHICH WILL ALLOW ANY MOTIONS OF ANY KIND, EVEN BEFORE AN
7 ANSWER IS DUE. SO --

8 MR. BROWN: I DO HAVE ONE QUESTION MYSELF, IF I MAY
9 IMPOSE.

10 THE COURT: JUST ONE MINUTE.

11 MR. BROWN: YES, SIR.

12 THE COURT: AND I'LL LET YOU ASK YOUR QUESTION.

13 WHAT'S THE 30-DAY DATE, FIRST OF ALL, MS. SKIPPER?

14 THE CLERK: MARCH 27TH.

15 THE COURT: ALL RIGHT. YOU HAVE UNTIL MARCH 27TH
16 CLOSE OF BUSINESS ON THAT DAY TO FILE THIS AMENDED COMPLAINT
17 WITH THE ASSIGNMENTS ATTACHED THERETO.

18 AND THEN THE -- WHAT WOULD THEN BE A 60-DAY DATE OR
19 30 DAYS BEYOND THAT?

20 THE CLERK: APRIL 29TH.

21 THE COURT: ALL RIGHT. APRIL 29TH FOR THE FILING
22 OF THE MOTIONS BY THE DEFENDANTS.

23 ALL RIGHT. WHAT IS YOUR QUESTION, SIR?

24 MR. BROWN: MY QUESTION IS, I HAVE AN OFFER OF
25 TENDER IN THE COMPLAINT. AND THERE WILL BE AN OFFER OF

1 TENDER IN THE AMENDED COMPLAINT.

2 MY ISSUE BECOMES VERY SIMPLE. RATHER THAN FILE AN
3 EX PARTE HEARING FOR ISSUES, I WANT TO SEE WHAT THE
4 DEFENDANTS WOULD LIKE TO DO WITH RESPECT TO SITTING DOWN WITH
5 ME, MOVING FORWARD, SHOULD THEY WANT THEIR PROPERTIES BOUGHT
6 AT A HUNDRED CENTS ON THE DOLLAR. AND IF SO, THE DEFENDANTS
7 IN MY MIND SHOULD GRANT US A TEMPORARY INJUNCTION PURSUANT TO
8 THAT ON THEIR OWN.

9 AND SHOULD THEY WANT --

10 THE COURT: WELL, I'M GOING TO STOP YOU AT THIS
11 POINT. IF YOU WANT TO TALK WITH ANY OF THE DEFENDANTS OR
12 THEIR REPRESENTATIVES, YOU'RE FREE TO DO THAT.

13 MR. BROWN: I WOULD DO THAT.

14 THE COURT: BUT YOU'RE NOT GOING TO DO IT HERE
15 TODAY.

16 MR. BROWN: THAT WILL BE FINE, JUDGE.

17 THE COURT: ALL RIGHT.

18 MR. BROWN: THAT WILL BE FINE.

19 THE COURT: LET ME ASK IF ANY OF THE COUNSEL HERE
20 IN THE COURTROOM HAVE ANY OTHER MATTERS THEY WISH TO TAKE UP
21 AT THIS TIME? OR COUNSEL ON THE PHONE AS WELL?

22 ALL RIGHT. I WAS ALWAYS TAUGHT THAT SILENCE IS AN
23 ACCEPTANCE WHEN I WAS TAKING CONTRACTS AT LEAST, BUT THAT WAS
24 SO MANY YEARS AGO. AND MAYBE IT'S NOT TRUE ANYMORE.

25 ALL RIGHT. THAT WILL BE THE ORDER OF THE DAY THEN.

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WE'LL AWAIT THIS AMENDED COMPLAINT WITH ITS VERIFIED
ASSIGNMENTS ATTACHED THERETO.

ALL RIGHT. THANK YOU ALL.

MR. PITTINSKY: THANK YOU, YOUR HONOR.

MR. BROWN: THANK YOU VERY MUCH, YOUR HONOR.

THE COURT: THANK YOU.

MS. GROZA: THANK YOU, YOUR HONOR.

MS. DUDKOWSKI: THANK YOU, YOUR HONOR.

THE CLERK: COURT IS ADJOURNED.

(PROCEEDINGS CONCLUDED 10:25 A.M.)

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C E R T I F I C A T E

I CERTIFY THAT THE FOREGOING IS A CORRECT
TRANSCRIPT FROM THE ELECTRONIC SOUND RECORDING OF THE
PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

/S/ DOROTHY BABYKIN

3/1/13

FEDERALLY CERTIFIED TRANSCRIBER

DATED

DOROTHY BABYKIN
