

MAINE DISTRICT COURT, DISTRICT NINE  
DIVISION OF NORTHERN CUMBERLAND

- - -

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

June 7, 2010

- - -

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

- - -

2

1  
2 APPEARANCES:  
3  
4 BRIAN M. FLEISCHER, ESQUIRE  
5 FLEISCHER, FLEISCHER & SUGLIA, P.C.  
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12  
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14 LAW OFFICES OF THOMAS A. COX  
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19 Counsel for Defendant,  
20 Nicole M. Bradbury  
21  
22 VIA TELEPHONE:  
23 JULIA G. PITNEY, ESQUIRE  
24 DRUMMOND & DRUMMOND  
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(207) 774-0317  
JPitney@ddlaw.com  
Counsel for GMAC and Fannie Mae

3

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

4

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

5

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

6

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

7

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

8

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

9

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

10

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

11

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

12

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

13

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

14

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

15

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

16

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

17

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

18

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

19

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

20

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

21

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

22

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

23

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

24

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

25

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

26

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

27

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

28

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

29

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



30

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

31

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

32

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

33

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

34

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

35

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

36

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



1	
2	LAWYER'S NOTES
3	_____
4	_____
5	_____
6	_____
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8	_____
9	_____
10	_____
11	_____
12	_____
13	_____
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21	_____
22	_____
23	_____
24	_____
25	_____

<b>A</b>	<p><b>ability</b> 29:2,4  <b>access</b> 69:18  <b>accompanied</b> 48:23  49:24  <b>accuracy</b> 30:11  44:16 58:6,14  70:6  <b>accurate</b> 45:10,18  57:24  <b>acquired</b> 15:21  38:12  <b>action</b> 11:8  <b>actions</b> 31:10  <b>add</b> 70:13  <b>addition</b> 24:21  <b>additional</b> 35:2  <b>address</b> 24:16  <b>advise</b> 67:12  <b>affidavit</b> 21:3 24:16  31:11 32:9,12,12  32:20 33:9,14  35:8,13,19,23  36:19 39:5 43:25  44:9,17 48:22  50:8 51:5,22 52:2  52:22 53:9,16,17  54:13,23 55:11  56:15,20 59:7  60:8,16 61:12,21  61:25 62:8,13,24  64:24 66:11,19,22  67:10,24 68:6,13  69:11 71:13  <b>affidavits</b> 31:2,7,7,9  31:12,17 32:8  33:25 38:22 39:23  43:22 54:6 58:22  63:9,11,19,20  64:10 65:14 66:2  67:3,9  <b>ago</b> 5:17 32:7  <b>agreed</b> 3:6  <b>AMERICA</b> 1:9  <b>amount</b> 33:6  <b>amounts</b> 59:22 67:6  <b>and/or</b> 72:6 73:21  <b>answer</b> 6:21 10:17  10:18 32:25 33:4  36:7,14 37:11  38:2 40:2 41:17  42:6,16 43:3,5  45:2 49:7 50:2  52:11 53:5,13,24  57:5,11 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