

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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S & A CAPITAL PARTNERS, INC.,	:	
MORTGAGE RESOLUTION SERVICING,	:	
LLC, and 1ST FIDELITY LOAN	:	No. 15-cv-00293-LTS-JCF
SERVICING, LLC,	:	
<i>Plaintiffs,</i>	:	
	:	
- v. -	:	
	:	
JPMORGAN CHASE BANK, N.A.,	:	
JPMORGAN CHASE & CO., and CHASE	:	
HOME FINANCE LLC,	:	
<i>Defendants.</i>	:	
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**DECLARATION OF CHRISTIAN J. PISTILLI**

I, Christian J. Pistilli, declare as follows, pursuant to 28 U.S.C. § 1746:

1. I am an attorney at the law firm of Covington & Burling LLP, counsel to Defendants JPMorgan Chase Bank, N.A., individually and as successor by merger to Chase Home Finance LLC, and JPMorgan Chase & Co. (collectively, “Defendants”). I am a member in good standing of the bar of the District of Columbia and am admitted *pro hac vice* in the above-captioned matter.

2. I have personal knowledge of the facts set forth in this Declaration, which I make in order to place before the Court certain material relevant to Defendants’ Reply Memorandum in Support of Their Cross-Motion for Protective Order.

3. Attached hereto as Exhibit 1 is a true and correct copy of an email from me to Suzan Arden, counsel for Plaintiffs in this case, dated June 8, 2016.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 21, 2016 in Washington, DC.

A handwritten signature in black ink, appearing to read 'CJP', written over a horizontal line.

Christian J. Pistilli

# **Exhibit 1**

From: Pistilli, Christian [[cpistilli@cov.com](mailto:cpistilli@cov.com)]  
Sent: Wednesday, June 08, 2016 4:08 PM  
To: Suzan Arden  
Subject: MRS v. Chase

Suzy,

Plaintiffs requested that Chase provide them with a written list of Rule 30(b)(6) deposition topics on which Chase would agree to provide witnesses. As a compromise, Chase is willing to offer plaintiffs a witness on each of the following topics:

1. General retention policies and procedures for electronic documents (i.e., emails, calendars and shared drives) applicable to Chase's mortgage lending and/or debt sale businesses, including the use of back-up tapes;
2. The document retrieval procedures used for electronic documents in this case, including the retention periods applicable to each custodian that Chase has committed to produce; and
3. The location, storage and maintenance of (a) communications with or regarding Plaintiffs, (b) communications relating to loans sold or offered for sale to Plaintiffs, and (c) documents and data regarding loans sold to Plaintiffs or offered to Plaintiffs.

As you know, Chase previously objected to presenting witnesses on the topics listed in plaintiffs' notice on the ground that the topics, as framed in the notice, are vague, overbroad, unduly burdensome, seek information not relevant to plaintiffs' claims, and do not specify the topics for examination with reasonable particularity. Please let us know promptly whether plaintiffs agree to accept this offer and withdraw their notice. Alternatively, if plaintiffs believe that the parties may be able to narrow or eliminate their dispute regarding the scope of the notice, we would be happy to discuss that further -- so long as plaintiffs agree that Chase need not file a motion for a protective order in advance of the June 17 deposition date. Absent any such agreement by plaintiffs, Chase intends to file a motion for a protective order regarding plaintiffs' Rule 30(b)(6) notice early next week.

Regards,

Christian Pistilli

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