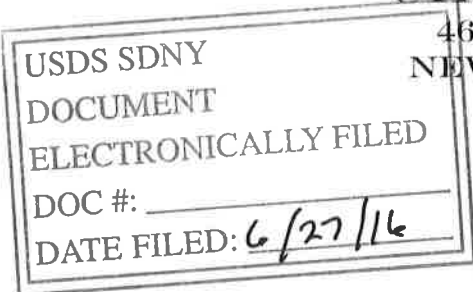


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June 24, 2016

VIA ECF AND FEDERAL EXPRESS

MEMO ENDORSED

Hon. James C. Francis, U.S.M.J.  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street  
New York, New York 10007-1312

Re: Mortgage Resolution Servicing, LLC v. JPMorgan Chase Bank, N.A., et al.  
Civil Action No. 15-CV-293 (LTS) (JCF)

Dear Judge Francis:

We write on behalf of Plaintiffs to request that the Court strike certain portions of “Defendants’ Reply Memorandum of Law in support of their Cross-Motion for Protective Order” and the Declaration of Christian Pistilli, both filed on June 22, 2016. Defendants have improperly submitted (for the first time on reply) and commented upon a June 8, 2016 email communication from Defendants’ counsel to Plaintiffs’ counsel, and have compounded this by failing to submit Plaintiffs’ counsel’s responsive email of July 9, 2016. In the alternative, Plaintiffs request permission to file a sur-reply declaration of no more than two pages to submit the omitted responsive email.

The relevant section of the Reply Memorandum is footnote 4 on page 3, which pertains to Plaintiffs’ complaint that we have been unable to test through a R. 30(b)(6) Defendants’ statements regarding the putative burden to them of producing documents.. Defendants then submit the June 8, 2016 email communication, which they describe as offering a Rule 30(b)(6) witness.

However, Defendants have deliberately omitted the responsive email dated June 9, 2016 which explains in detail why Defendants’ proposal was illusory and unsatisfactory.

We believe the record on the motion is incomplete and prejudicial without Plaintiffs’ having an opportunity to respond to this new argument and without the responsive July 9, 2016 email. Accordingly, we respectfully request that the Court strike Defendants’ footnote 4 and Pistilli Declaration, or alternatively permit Plaintiffs to file a short sur-reply declaration to submit

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June 24, 2016

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the responsive July 9, 2016 email. We can file the sur-reply within one business day of receipt of permission to do so.

Respectfully submitted,

/s/ Susan Arden

Susan Arden

SA:leb

cc: Robert Wick (via ECF and email)  
Christian Pistilli (via ECF and email)

6/27/16  
The application to strike portions of  
defendants' reply memorandum is denied.  
Plaintiffs may promptly submit a  
sur-reply of no more than two pages.

SO ORDERED.

James C. Francis TC  
JCF