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7 Attorneys for Plaintiffs
8 DIANA ELLIS, JAMES SCHILLINGER, and
RONALD LAZAR, individually, and on behalf of
9 other members of the public similarly situated

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 DIANA ELLIS, JAMES SCHILLINGER, and
13 RONALD LAZAR, individually, and on behalf of
other members of the general public similarly
14 situated,

15 Plaintiffs,

16 vs.

17 J.P. MORGAN CHASE & CO., a Delaware
corporation, J.P. MORGAN CHASE BANK,
18 N.A., a national association, and CHASE HOME
FINANCE LLC, a Delaware limited liability
19 company,

20 Defendants.

Case Number: 4:12-cv-03897-YGR
CLASS ACTION

**DECLARATION OF ROLAND TELLIS
IN SUPPORT OF PLAINTIFFS'
OPPOSITION TO CHASE
DEFENDANTS' MOTION TO DISMISS
PLAINTIFFS' COMPLAINT PURSUANT
TO FED. R. CIV. P. 12(b)(1) AND 12(b)(6)**

**[Filed Concurrently With Plaintiffs'
Memorandum in Opposition to Chase
Defendants' Motion to Dismiss Plaintiffs'
Complaint]**

Date: October 9, 2012
Time: 2:00 p.m.
Location: Oakland Division
1301 Clay Street
Judge: Hon. Yvonne Gonzalez
Rogers

Action Filed: July 24, 2012
Trial Date: None Set

DECLARATION OF ROLAND TELLIS

I Roland Tellis declare as follows:

1. I am an attorney licensed to practice before this Court and all courts of the State of California. Unless the context indicates otherwise, I have personal knowledge of the following facts, and if called as a witness, I could and would testify competently to them. I am a Shareholder in the law firm of Baron & Budd, P.C., counsel for Plaintiffs Diana Ellis, James Schillinger, and Ronald Lazar (“Plaintiffs”) in *Diana Ellis, et al. v. J.P. Morgan Chase & Co., et al.* (N.D. Cal. Case No. 4:12-cv-03897-YGR). I make this declaration in support of Plaintiffs’ Opposition to the Chase Defendants’ Motion to Dismiss Plaintiffs’ Complaint Pursuant to Fed. R. Civ. P. 12(b)(1) and (b)(6).¹

2. Attached as Exhibit 1 is a true and correct copy of Congressional Testimony of Mark Pearce, Director, Division of Depositor and Consumer Protection, F.D.I.C., “Mortgage Servicing: An Examination of the Role of Federal Regulators in Settlement Negotiations and the Future of Mortgage Servicing Standards,” before the Subcommittees on Financial Institutions and Consumer Credit, and Oversight and Investigations Committee on Financial Services, U.S. House of Representatives, dated July 7, 2011, from the U.S. House of Representatives’ website, available at <http://financialservices.house.gov/UploadedFiles/070711pearce.pdf>.

3. Attached as Exhibit 2 is a true and correct copy of “Anticipated Questions and Answers” from the Office of the Comptroller of Currency’s (the “OCC”) website, available at: <http://www.occ.treas.gov/topics/consumer-protection/foreclosure-prevention/framework-summary.html>, which states, among other things:

Does requesting a review prevent me from suing the servicer? Will I be required to waive my rights to sue by accepting compensation?

Submitting a request for review does not preclude borrowers from pursuing other legal remedies available related to their foreclosure. Servicers may not ask a borrower to release any claims in order to receive compensation.

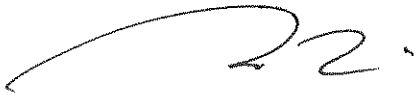
4. Attached as Exhibit 3 is a true and correct copy of the National Mortgage Settlement Consent Judgment (the “NMS”) in a case styled *United States of America et al. v. Bank of America Corp.*

¹ If the Court prefers that the attached exhibits be considered via a Request for Judicial Notice, then Plaintiffs respectfully request, pursuant to Federal Rule of Evidence 201, that the Court take judicial notice of the documents attached hereto as Exhibits 1-3.

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et al., filed in the United States District Court for the District of Columbia (case no. 1:12-cv-00361-RMC) on April 4, 2012.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 4th day of September 2012, at Los Angeles, California.



Roland Tellis