

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Timothy L. McCandless (SBN: 1477515); Terrence T. Huang (SBN: 253608) Law Offices of Timothy L. McCandless 15647 Village Drive Victorville, CA 92392 TELEPHONE NO: 760-690-8575 FAX NO. (Optional) 909-494-4214 E-MAIL ADDRESS (Optional) ATTORNEY FOR (Name) Nicholas Vazquez/Petra Pena	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento	
SHORT TITLE OF CASE: NICHOLAS VAZQUEZ vs U.S. BANK NATIONAL ASSOCIATION ET.AL	
<p style="text-align: center;">FORM INTERROGATORIES—GENERAL</p> <p>Asking Party: PLAINTIFF NICHOLAS VAZQUEZ</p> <p>Answering Party: MORTGAGE ELECTRONIC REGISTRATION SYS</p> <p>Set No.: ONE</p>	<p style="text-align: center;">CASE NUMBER</p> <p style="text-align: center;">34-2008-00020191-CU-OR-GDS</p>

Sec. 1. Instructions to All Parties

- (a) Interrogatories are written questions prepared by a party to an action that are sent to any other party in the action to be answered under oath. The interrogatories below are form interrogatories approved for use in civil cases.
- (b) For time limitations, requirements for service on other parties, and other details, see Code of Civil Procedure sections 2030.010–2030.410 and the cases construing those sections.
- (c) These form interrogatories do not change existing law relating to interrogatories nor do they affect an answering party's right to assert any privilege or make any objection.

Sec. 2. Instructions to the Asking Party

- (a) These interrogatories are designed for optional use by parties in unlimited civil cases where the amount demanded exceeds \$25,000. Separate interrogatories, Form *Interrogatories—Limited Civil Cases (Economic Litigation)* (form DISC-004), which have no subparts, are designed for use in limited civil cases where the amount demanded is \$25,000 or less; however, those interrogatories may also be used in unlimited civil cases.
- (b) Check the box next to each interrogatory that you want the answering party to answer. Use care in choosing those interrogatories that are applicable to the case.
- (c) You may insert your own definition of **INCIDENT** in Section 4, but only where the action arises from a course of conduct or a series of events occurring over a period of time.
- (d) The interrogatories in section 16.0, Defendant's Contentions—Personal Injury, should not be used until the defendant has had a reasonable opportunity to conduct an investigation or discovery of plaintiff's injuries and damages.
- (e) Additional interrogatories may be attached.

Sec. 3. Instructions to the Answering Party

- (a) An answer or other appropriate response must be given to each interrogatory checked by the asking party.
- (b) As a general rule, within 30 days after you are served with these interrogatories, you must serve your responses on the asking party and serve copies of your responses on all other parties to the action who have appeared. See Code of Civil Procedure sections 2030.260–2030.270 for details.

- (c) Each answer must be as complete and straightforward as the information reasonably available to you, including the information possessed by your attorneys or agents, permits. If an interrogatory cannot be answered completely, answer it to the extent possible.
- (d) If you do not have enough personal knowledge to fully answer an interrogatory, say so, but make a reasonable and good faith effort to get the information by asking other persons or organizations, unless the information is equally available to the asking party.
- (e) Whenever an interrogatory may be answered by referring to a document, the document may be attached as an exhibit to the response and referred to in the response. If the document has more than one page, refer to the page and section where the answer to the interrogatory can be found.
- (f) Whenever an address and telephone number for the same person are requested in more than one interrogatory, you are required to furnish them in answering only the first interrogatory asking for that information.
- (g) If you are asserting a privilege or making an objection to an interrogatory, you must specifically assert the privilege or state the objection in your written response.
- (h) Your answers to these interrogatories must be verified, dated, and signed. You may wish to use the following form at the end of your answers:

I declare under penalty of perjury under the laws of the State of California that the foregoing answers are true and correct.

(DATE)

(SIGNATURE)

Sec. 4. Definitions

Words in **BOLDFACE CAPITALS** in these interrogatories are defined as follows:

(a) (Check one of the following):

- (1) **INCIDENT** includes the circumstances and events surrounding the alleged accident, injury, or other occurrence or breach of contract giving rise to this action or proceeding.

(2) **INCIDENT** means *(insert your definition here or on a separate, attached sheet labeled "Sec. 4(a)(2)"):*

(b) **YOU OR ANYONE ACTING ON YOUR BEHALF** includes you, your agents, your employees, your insurance companies, their agents, their employees, your attorneys, your accountants, your investigators, and anyone else acting on your behalf.

(c) **PERSON** includes a natural person, firm, association, organization, partnership, business, trust, limited liability company, corporation, or public entity.

(d) **DOCUMENT** means a writing, as defined in Evidence Code section 250, and includes the original or a copy of handwriting, typewriting, printing, photostats, photographs, electronically stored information, and every other means of recording upon any tangible thing and form of communicating or representation, including letters, words, pictures, sounds, or symbols, or combinations of them.

(e) **HEALTH CARE PROVIDER** includes any **PERSON** referred to in Code of Civil Procedure section 667.7(e)(3).

(f) **ADDRESS** means the street address, including the city, state, and zip code.

Sec. 5. Interrogatories

The following interrogatories have been approved by the Judicial Council under Code of Civil Procedure section 2033.710:

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1.0 Identity of Persons Answering These Interrogatories

1.1 State the name, **ADDRESS**, telephone number, and relationship to you of each **PERSON** who prepared or assisted in the preparation of the responses to these interrogatories. *(Do not identify anyone who simply typed or reproduced the responses.)*

2.0 General Background Information—individual

- 2.1 State:
 - (a) your name;
 - (b) every name you have used in the past; and
 - (c) the dates you used each name.
- 2.2 State the date and place of your birth.
- 2.3 At the time of the **INCIDENT**, did you have a driver's license? If so state:
 - (a) the state or other issuing entity;
 - (b) the license number and type;
 - (c) the date of issuance; and
 - (d) all restrictions.
- 2.4 At the time of the **INCIDENT**, did you have any other permit or license for the operation of a motor vehicle? If so, state:
 - (a) the state or other issuing entity;
 - (b) the license number and type;
 - (c) the date of issuance; and
 - (d) all restrictions.
- 2.5 State:
 - (a) your present residence **ADDRESS**;
 - (b) your residence **ADDRESSES** for the past five years; and
 - (c) the dates you lived at each **ADDRESS**.
- 2.6 State:
 - (a) the name, **ADDRESS**, and telephone number of your present employer or place of self-employment; and
 - (b) the name, **ADDRESS**, dates of employment, job title, and nature of work for each employer or self-employment you have had from five years before the **INCIDENT** until today.
- 2.7 State:
 - (a) the name and **ADDRESS** of each school or other academic or vocational institution you have attended, beginning with high school;
 - (b) the dates you attended;
 - (c) the highest grade level you have completed; and
 - (d) the degrees received.
- 2.8 Have you ever been convicted of a felony? If so, for each conviction state:
 - (a) the city and state where you were convicted;
 - (b) the date of conviction;
 - (c) the offense; and
 - (d) the court and case number.
- 2.9 Can you speak English with ease? If not, what language and dialect do you normally use?
- 2.10 Can you read and write English with ease? If not, what language and dialect do you normally use?

- 2.11 At the time of the **INCIDENT** were you acting as an agent or employee for any **PERSON**? If so, state:
- (a) the name, **ADDRESS**, and telephone number of that **PERSON**; and
- (b) a description of your duties.
- 2.12 At the time of the **INCIDENT** did you or any other person have any physical, emotional, or mental disability or condition that may have contributed to the occurrence of the **INCIDENT**? If so, for each person state:
- (a) the name, **ADDRESS**, and telephone number;
- (b) the nature of the disability or condition; and
- (c) the manner in which the disability or condition contributed to the occurrence of the **INCIDENT**.
- 2.13 Within 24 hours before the **INCIDENT** did you or any person involved in the **INCIDENT** use or take any of the following substances: alcoholic beverage, marijuana, or other drug or medication of any kind (prescription or not)? If so, for each person state:
- (a) the name, **ADDRESS**, and telephone number;
- (b) the nature or description of each substance;
- (c) the quantity of each substance used or taken;
- (d) the date and time of day when each substance was used or taken;
- (e) the **ADDRESS** where each substance was used or taken;
- (f) the name, **ADDRESS**, and telephone number of each person who was present when each substance was used or taken; and
- (g) the name, **ADDRESS**, and telephone number of any **HEALTH CARE PROVIDER** who prescribed or furnished the substance and the condition for which it was prescribed or furnished.

3.0 General Background Information—Business Entity

- 3.1 Are you a corporation? If so, state:
- (a) the name stated in the current articles of incorporation;
- (b) all other names used by the corporation during the past 10 years and the dates each was used;
- (c) the date and place of incorporation;
- (d) the **ADDRESS** of the principal place of business; and
- (e) whether you are qualified to do business in California.
- 3.2 Are you a partnership? If so, state:
- (a) the current partnership name;
- (b) all other names used by the partnership during the past 10 years and the dates each was used;
- (c) whether you are a limited partnership and, if so, under the laws of what jurisdiction;
- (d) the name and **ADDRESS** of each general partner; and
- (e) the **ADDRESS** of the principal place of business.
- 3.3 Are you a limited liability company? If so, state:
- (a) the name stated in the current articles of organization;
- (b) all other names used by the company during the past 10 years and the date each was used;
- (c) the date and place of filing of the articles of organization;
- (d) the **ADDRESS** of the principal place of business; and
- (e) whether you are qualified to do business in California.

- 3.4 Are you a joint venture? If so, state:
- (a) the current joint venture name;
- (b) all other names used by the joint venture during the past 10 years and the dates each was used;
- (c) the name and **ADDRESS** of each joint venturer; and
- (d) the **ADDRESS** of the principal place of business.
- 3.5 Are you an unincorporated association? If so, state:
- (a) the current unincorporated association name;
- (b) all other names used by the unincorporated association during the past 10 years and the dates each was used; and
- (c) the **ADDRESS** of the principal place of business.
- 3.6 Have you done business under a fictitious name during the past 10 years? If so, for each fictitious name state:
- (a) the name;
- (b) the dates each was used;
- (c) the state and county of each fictitious name filing; and
- (d) the **ADDRESS** of the principal place of business.
- 3.7 Within the past five years has any public entity registered or licensed your business? If so, for each license or registration:
- (a) identify the license or registration;
- (b) state the name of the public entity; and
- (c) state the dates of issuance and expiration.

4.0 Insurance

- 4.1 At the time of the **INCIDENT**, was there in effect any policy of insurance through which you were or might be insured in any manner (for example, primary, pro-rata, or excess liability coverage or medical expense coverage) for the damages, claims, or actions that have arisen out of the **INCIDENT**? If so, for each policy state:
- (a) the kind of coverage;
- (b) the name and **ADDRESS** of the insurance company;
- (c) the name, **ADDRESS**, and telephone number of each named insured;
- (d) the policy number;
- (e) the limits of coverage for each type of coverage contained in the policy;
- (f) whether any reservation of rights or controversy or coverage dispute exists between you and the insurance company; and
- (g) the name, **ADDRESS**, and telephone number of the custodian of the policy.
- 4.2 Are you self-insured under any statute for the damages, claims, or actions that have arisen out of the **INCIDENT**? If so, specify the statute.

5.0 [Reserved]

6.0 Physical, Mental, or Emotional Injuries

- 6.1 Do you attribute any physical, mental, or emotional injuries to the **INCIDENT**? (If your answer is "no," do not answer interrogatories 6.2 through 6.7).
- 6.2 Identify each injury you attribute to the **INCIDENT** and the area of your body affected.

6.3 Do you still have any complaints that you attribute to the **INCIDENT**? If so, for each complaint state:

- (a) a description;
- (b) whether the complaint is subsiding, remaining the same, or becoming worse; and
- (c) the frequency and duration.

6.4 Did you receive any consultation or examination (except from expert witnesses covered by Code of Civil Procedure sections 2034.210–2034.310) or treatment from a **HEALTH CARE PROVIDER** for any injury you attribute to the **INCIDENT**? If so, for each **HEALTH CARE PROVIDER** state:

- (a) the name, **ADDRESS**, and telephone number;
- (b) the type of consultation, examination, or treatment provided;
- (c) the dates you received consultation, examination, or treatment; and
- (d) the charges to date.

6.5 Have you taken any medication, prescribed or not, as a result of injuries that you attribute to the **INCIDENT**? If so, for each medication state:

- (a) the name;
- (b) the **PERSON** who prescribed or furnished it;
- (c) the date it was prescribed or furnished;
- (d) the dates you began and stopped taking it; and
- (e) the cost to date.

6.6 Are there any other medical services necessitated by the injuries that you attribute to the **INCIDENT** that were not previously listed (for example, ambulance, nursing, prosthetics)? If so, for each service state:

- (a) the nature;
- (b) the date;
- (c) the cost; and
- (d) the name, **ADDRESS**, and telephone number of each provider.

6.7 Has any **HEALTH CARE PROVIDER** advised that you may require future or additional treatment for any injuries that you attribute to the **INCIDENT**? If so, for each injury state:

- (a) the name and **ADDRESS** of each **HEALTH CARE PROVIDER**;
- (b) the complaints for which the treatment was advised; and
- (c) the nature, duration, and estimated cost of the treatment.

7.0 Property Damage

7.1 Do you attribute any loss of or damage to a vehicle or other property to the **INCIDENT**? If so, for each item of property:

- (a) describe the property;
- (b) describe the nature and location of the damage to the property;

- (c) state the amount of damage you are claiming for each item of property and how the amount was calculated; and
- (d) if the property was sold, state the name, **ADDRESS**, and telephone number of the seller, the date of sale, and the sale price.

7.2 Has a written estimate or evaluation been made for any item of property referred to in your answer to the preceding interrogatory? If so, for each estimate or evaluation state:

- (a) the name, **ADDRESS**, and telephone number of the **PERSON** who prepared it and the date prepared;
- (b) the name, **ADDRESS**, and telephone number of each **PERSON** who has a copy of it; and
- (c) the amount of damage stated.

7.3 Has any item of property referred to in your answer to interrogatory 7.1 been repaired? If so, for each item state:

- (a) the date repaired;
- (b) a description of the repair;
- (c) the repair cost;
- (d) the name, **ADDRESS**, and telephone number of the **PERSON** who repaired it;
- (e) the name, **ADDRESS**, and telephone number of the **PERSON** who paid for the repair.

8.0 Loss of Income or Earning Capacity

8.1 Do you attribute any loss of income or earning capacity to the **INCIDENT**? (If your answer is "no," do not answer interrogatories 8.2 through 8.8).

8.2 State:

- (a) the nature of your work;
- (b) your job title at the time of the **INCIDENT**; and
- (c) the date your employment began.

8.3 State the last date before the **INCIDENT** that you worked for compensation.

8.4 State your monthly income at the time of the **INCIDENT** and how the amount was calculated.

8.5 State the date you returned to work at each place of employment following the **INCIDENT**.

8.6 State the dates you did not work and for which you lost income as a result of the **INCIDENT**.

8.7 State the total income you have lost to date as a result of the **INCIDENT** and how the amount was calculated.

8.8 Will you lose income in the future as a result of the **INCIDENT**? If so, state:

- (a) the facts upon which you base this contention;
- (b) an estimate of the amount;
- (c) an estimate of how long you will be unable to work; and
- (d) how the claim for future income is calculated.

9.0 Other Damages

- 9.1 Are there any other damages that you attribute to the **INCIDENT**? If so, for each item of damage state:
- (a) the nature;
 - (b) the date it occurred;
 - (c) the amount; and
 - (d) the name, **ADDRESS**, and telephone number of each **PERSON** to whom an obligation was incurred.
- 9.2 Do any **DOCUMENTS** support the existence or amount of any item of damages claimed in interrogatory 9.1? If so, describe each document and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.

10.0 Medical History

- 10.1 At any time before the **INCIDENT** did you have complaints or injuries that involved the same part of your body claimed to have been injured in the **INCIDENT**? If so, for each state:
- (a) a description of the complaint or injury;
 - (b) the dates it began and ended; and
 - (c) the name, **ADDRESS**, and telephone number of each **HEALTH CARE PROVIDER** whom you consulted or who examined or treated you.
- 10.2 List all physical, mental, and emotional disabilities you had immediately before the **INCIDENT**. (*You may omit mental or emotional disabilities unless you attribute any mental or emotional injury to the **INCIDENT**.*)
- 10.3 At any time after the **INCIDENT**, did you sustain injuries of the kind for which you are now claiming damages? If so, for each incident giving rise to an injury state:
- (a) the date and the place it occurred;
 - (b) the name, **ADDRESS**, and telephone number of any other **PERSON** involved;
 - (c) the nature of any injuries you sustained;
 - (d) the name, **ADDRESS**, and telephone number of each **HEALTH CARE PROVIDER** who you consulted or who examined or treated you; and
 - (e) the nature of the treatment and its duration.

11.0 Other Claims and Previous Claims

- 11.1 Except for this action, in the past 10 years have you filed an action or made a written claim or demand for compensation for your personal injuries? If so, for each action, claim, or demand state:
- (a) the date, time, and place and location (closest street **ADDRESS** or intersection) of the **INCIDENT** giving rise to the action, claim, or demand;
 - (b) the name, **ADDRESS**, and telephone number of each **PERSON** against whom the claim or demand was made or the action filed;

- (c) the court, names of the parties, and case number of any action filed;
- (d) the name, **ADDRESS**, and telephone number of any attorney representing you;
- (e) whether the claim or action has been resolved or is pending; and
- (f) a description of the injury.

- 11.2 In the past 10 years have you made a written claim or demand for workers' compensation benefits? If so, for each claim or demand state:
- (a) the date, time, and place of the **INCIDENT** giving rise to the claim;
 - (b) the name, **ADDRESS**, and telephone number of your employer at the time of the injury;
 - (c) the name, **ADDRESS**, and telephone number of the workers' compensation insurer and the claim number;
 - (d) the period of time during which you received workers' compensation benefits;
 - (e) a description of the injury;
 - (f) the name, **ADDRESS**, and telephone number of any **HEALTH CARE PROVIDER** who provided services; and
 - (g) the case number at the Workers' Compensation Appeals Board.

12.0 Investigation—General

- 12.1 State the name, **ADDRESS**, and telephone number of each individual:
- (a) who witnessed the **INCIDENT** or the events occurring immediately before or after the **INCIDENT**;
 - (b) who made any statement at the scene of the **INCIDENT**;
 - (c) who heard any statements made about the **INCIDENT** by any individual at the scene; and
 - (d) who **YOU OR ANYONE ACTING ON YOUR BEHALF** claim has knowledge of the **INCIDENT** (except for expert witnesses covered by Code of Civil Procedure section 2034).
- 12.2 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** interviewed any individual concerning the **INCIDENT**? If so, for each individual state:
- (a) the name, **ADDRESS**, and telephone number of the individual interviewed;
 - (b) the date of the interview; and
 - (c) the name, **ADDRESS**, and telephone number of the **PERSON** who conducted the interview.
- 12.3 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** obtained a written or recorded statement from any individual concerning the **INCIDENT**? If so, for each statement state:
- (a) the name, **ADDRESS**, and telephone number of the individual from whom the statement was obtained;
 - (b) the name, **ADDRESS**, and telephone number of the individual who obtained the statement;
 - (c) the date the statement was obtained; and
 - (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the original statement or a copy.

12.4 Do YOU OR ANYONE ACTING ON YOUR BEHALF know of any photographs, films, or videotapes depicting any place, object, or individual concerning the INCIDENT or plaintiff's injuries? If so, state:

- (a) the number of photographs or feet of film or videotape;
- (b) the places, objects, or persons photographed, filmed, or videotaped;
- (c) the date the photographs, films, or videotapes were taken;
- (d) the name, ADDRESS, and telephone number of the individual taking the photographs, films, or videotapes; and
- (e) the name, ADDRESS, and telephone number of each PERSON who has the original or a copy of the photographs, films, or videotapes.

12.5 Do YOU OR ANYONE ACTING ON YOUR BEHALF know of any diagram, reproduction, or model of any place or thing (except for items developed by expert witnesses covered by Code of Civil Procedure sections 2034.210–2034.310) concerning the INCIDENT? If so, for each item state:

- (a) the type (i.e., diagram, reproduction, or model);
- (b) the subject matter; and
- (c) the name, ADDRESS, and telephone number of each PERSON who has it.

12.6 Was a report made by any PERSON concerning the INCIDENT? If so, state:

- (a) the name, title, identification number, and employer of the PERSON who made the report;
- (b) the date and type of report made;
- (c) the name, ADDRESS, and telephone number of the PERSON for whom the report was made; and
- (d) the name, ADDRESS, and telephone number of each PERSON who has the original or a copy of the report.

12.7 Have YOU OR ANYONE ACTING ON YOUR BEHALF inspected the scene of the INCIDENT? If so, for each inspection state:

- (a) the name, ADDRESS, and telephone number of the individual making the inspection (except for expert witnesses covered by Code of Civil Procedure sections 2034.210–2034.310); and
- (b) the date of the inspection.

13.0 Investigation—Surveillance

13.1 Have YOU OR ANYONE ACTING ON YOUR BEHALF conducted surveillance of any individual involved in the INCIDENT or any party to this action? If so, for each surveillance state:

- (a) the name, ADDRESS, and telephone number of the individual or party;
- (b) the time, date, and place of the surveillance;
- (c) the name, ADDRESS, and telephone number of the individual who conducted the surveillance; and
- (d) the name, ADDRESS, and telephone number of each PERSON who has the original or a copy of any surveillance photograph, film, or videotape.

13.2 Has a written report been prepared on the surveillance? If so, for each written report state:

- (a) the title;
- (b) the date;
- (c) the name, ADDRESS, and telephone number of the individual who prepared the report; and
- (d) the name, ADDRESS, and telephone number of each PERSON who has the original or a copy.

14.0 Statutory or Regulatory Violations

14.1 Do YOU OR ANYONE ACTING ON YOUR BEHALF contend that any PERSON involved in the INCIDENT violated any statute, ordinance, or regulation and that the violation was a legal (proximate) cause of the INCIDENT? If so, identify the name, ADDRESS, and telephone number of each PERSON and the statute, ordinance, or regulation that was violated.

14.2 Was any PERSON cited or charged with a violation of any statute, ordinance, or regulation as a result of this INCIDENT? If so, for each PERSON state:

- (a) the name, ADDRESS, and telephone number of the PERSON;
- (b) the statute, ordinance, or regulation allegedly violated;
- (c) whether the PERSON entered a plea in response to the citation or charge and, if so, the plea entered; and
- (d) the name and ADDRESS of the court or administrative agency, names of the parties, and case number.

15.0 Denials and Special or Affirmative Defenses

15.1 Identify each denial of a material allegation and each special or affirmative defense in your pleadings and for each:

- (a) state all facts upon which you base the denial or special or affirmative defense;
- (b) state the names, ADDRESSES, and telephone numbers of all PERSONS who have knowledge of those facts; and
- (c) identify all DOCUMENTS and other tangible things that support your denial or special or affirmative defense, and state the name, ADDRESS, and telephone number of the PERSON who has each DOCUMENT.

16.0 Defendant's Contentions—Personal Injury

16.1 Do you contend that any PERSON, other than you or plaintiff, contributed to the occurrence of the INCIDENT or the injuries or damages claimed by plaintiff? If so, for each PERSON:

- (a) state the name, ADDRESS, and telephone number of the PERSON;
- (b) state all facts upon which you base your contention;
- (c) state the names, ADDRESSES, and telephone numbers of all PERSONS who have knowledge of the facts; and
- (d) identify all DOCUMENTS and other tangible things that support your contention and state the name, ADDRESS, and telephone number of the PERSON who has each DOCUMENT or thing.

16.2 Do you contend that plaintiff was not injured in the INCIDENT? If so:

- (a) state all facts upon which you base your contention;
- (b) state the names, ADDRESSES, and telephone numbers of all PERSONS who have knowledge of the facts; and
- (c) identify all DOCUMENTS and other tangible things that support your contention and state the name, ADDRESS, and telephone number of the PERSON who has each DOCUMENT or thing.

- 16.3 Do you contend that the injuries or the extent of the injuries claimed by plaintiff as disclosed in discovery proceedings thus far in this case were not caused by the **INCIDENT**? If so, for each injury:
- identify it;
 - state all facts upon which you base your contention;
 - state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
 - identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.
- 16.4 Do you contend that any of the services furnished by any **HEALTH CARE PROVIDER** claimed by plaintiff in discovery proceedings thus far in this case were not due to the **INCIDENT**? If so:
- identify each service;
 - state all facts upon which you base your contention;
 - state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
 - identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.
- 16.5 Do you contend that any of the costs of services furnished by any **HEALTH CARE PROVIDER** claimed as damages by plaintiff in discovery proceedings thus far in this case were not necessary or unreasonable? If so:
- identify each cost;
 - state all facts upon which you base your contention;
 - state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
 - identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.
- 16.6 Do you contend that any part of the loss of earnings or income claimed by plaintiff in discovery proceedings thus far in this case was unreasonable or was not caused by the **INCIDENT**? If so:
- identify each part of the loss;
 - state all facts upon which you base your contention;
 - state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
 - identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.
- 16.7 Do you contend that any of the property damage claimed by plaintiff in discovery Proceedings thus far in this case was not caused by the **INCIDENT**? If so:
- identify each item of property damage;
 - state all facts upon which you base your contention;
 - state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
 - identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.
- 16.8 Do you contend that any of the costs of repairing the property damage claimed by plaintiff in discovery proceedings thus far in this case were unreasonable? If so:
- identify each cost item;
 - state all facts upon which you base your contention;
 - state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of the facts; and
 - identify all **DOCUMENTS** and other tangible things that support your contention and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.
- 16.9 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** have any **DOCUMENT** (for example, insurance bureau index reports) concerning claims for personal injuries made before or after the **INCIDENT** by a plaintiff in this case? If so, for each plaintiff state:
- the source of each **DOCUMENT**;
 - the date each claim arose;
 - the nature of each claim; and
 - the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.
- 16.10 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** have any **DOCUMENT** concerning the past or present physical, mental, or emotional condition of any plaintiff in this case from a **HEALTH CARE PROVIDER** not previously identified (except for expert witnesses covered by Code of Civil Procedure sections 2034.210–2034.310)? If so, for each plaintiff state:
- the name, **ADDRESS**, and telephone number of each **HEALTH CARE PROVIDER**;
 - a description of each **DOCUMENT**; and
 - the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT**.
- 17.0 Responses to Request for Admissions**
- 17.1 Is your response to each request for admission served with these interrogatories an unqualified admission? If not, for each response that is not an unqualified admission:
- state the number of the request;
 - state all facts upon which you base your response;
 - state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of those facts; and
 - identify all **DOCUMENTS** and other tangible things that support your response and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.
- 18.0 [Reserved]**
- 19.0 [Reserved]**
- 20.0 How the Incident Occurred—Motor Vehicle**
- 20.1 State the date, time, and place of the **INCIDENT** (closest street **ADDRESS** or intersection).
- 20.2 For each vehicle involved in the **INCIDENT**, state:
- the year, make, model, and license number;
 - the name, **ADDRESS**, and telephone number of the driver;

- (c) the name, **ADDRESS**, and telephone number of each occupant other than the driver;
- (d) the name, **ADDRESS**, and telephone number of each registered owner;
- (e) the name, **ADDRESS**, and telephone number of each lessee;
- (f) the name, **ADDRESS**, and telephone number of each owner other than the registered owner or lien holder; and
- (g) the name of each owner who gave permission or consent to the driver to operate the vehicle.
- 20.3 State the **ADDRESS** and location where your trip began and the **ADDRESS** and location of your destination.
- 20.4 Describe the route that you followed from the beginning of your trip to the location of the **INCIDENT**, and state the location of each stop, other than routine traffic stops, during the trip leading up to the **INCIDENT**.
- 20.5 State the name of the street or roadway, the lane of travel, and the direction of travel of each vehicle involved in the **INCIDENT** for the 500 feet of travel before the **INCIDENT**.
- 20.6 Did the **INCIDENT** occur at an intersection? If so, describe all traffic control devices, signals, or signs at the intersection.
- 20.7 Was there a traffic signal facing you at the time of the **INCIDENT**? If so, state:
- (a) your location when you first saw it;
- (b) the color;
- (c) the number of seconds it had been that color; and
- (d) whether the color changed between the time you first saw it and the **INCIDENT**.
- 20.8 State how the **INCIDENT** occurred, giving the speed, direction, and location of each vehicle involved:
- (a) just before the **INCIDENT**;
- (b) at the time of the **INCIDENT**; and (c) just after the **INCIDENT**.
- 20.9 Do you have information that a malfunction or defect in a vehicle caused the **INCIDENT**? If so:
- (a) identify the vehicle;
- (b) identify each malfunction or defect;
- (c) state the name, **ADDRESS**, and telephone number of each **PERSON** who is a witness to or has information about each malfunction or defect; and
- (d) state the name, **ADDRESS**, and telephone number of each **PERSON** who has custody of each defective part.
- 20.10 Do you have information that any malfunction or defect in a vehicle contributed to the injuries sustained in the **INCIDENT**? If so:
- (a) identify the vehicle;
- (b) identify each malfunction or defect;
- (c) state the name, **ADDRESS**, and telephone number of each **PERSON** who is a witness to or has information about each malfunction or defect; and
- (d) state the name, **ADDRESS**, and telephone number of each **PERSON** who has custody of each defective part.
- 20.11 State the name, **ADDRESS**, and telephone number of each owner and each **PERSON** who has had possession since the **INCIDENT** of each vehicle involved in the **INCIDENT**.
- 25.0 *[Reserved]*
- 30.0 *[Reserved]*
- 40.0 *[Reserved]*
- 50.0 **Contract**
- 50.1 For each agreement alleged in the pleadings:
- (a) identify each **DOCUMENT** that is part of the agreement and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**;
- (b) state each part of the agreement not in writing, the name, **ADDRESS**, and telephone number of each **PERSON** agreeing to that provision, and the date that part of the agreement was made;
- (c) identify all **DOCUMENTS** that evidence any part of the agreement not in writing and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**;
- (d) identify all **DOCUMENTS** that are part of any modification to the agreement, and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**;
- (e) state each modification not in writing, the date, and the name, **ADDRESS**, and telephone number of each **PERSON** agreeing to the modification, and the date the modification was made;
- (f) identify all **DOCUMENTS** that evidence any modification of the agreement not in writing and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**.
- 50.2 Was there a breach of any agreement alleged in the pleadings? If so, for each breach describe and give the date of every act or omission that you claim is the breach of the agreement.
- 50.3 Was performance of any agreement alleged in the pleadings excused? If so, identify each agreement excused and state why performance was excused.
- 50.4 Was any agreement alleged in the pleadings terminated by mutual agreement, release, accord and satisfaction, or novation? If so, identify each agreement terminated, the date of termination, and the basis of the termination.
- 50.5 Is any agreement alleged in the pleadings unenforceable? If so, identify each unenforceable agreement and state why it is unenforceable.
- 50.6 Is any agreement alleged in the pleadings ambiguous? If so, identify each ambiguous agreement and state why it is ambiguous.
- 60.0 *[Reserved]*

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8
9 Attorney for Plaintiffs,
10 Nicholas Vazquez
11 Petra Pena

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF SACRAMENTO

14 NICHOLAS VAZQUEZ and PETRA PENA.) Case No.: 34-2008-00020191-CU-OR-GDS

15 Plaintiffs.)

16 vs.)

17 U.S. BANK NATIONAL ASSOCIATION, et)
18 al.,)

19 Defendants.)
20)
21)
22)

PLAINTIFF NICHOLAS VAZQUEZ'S
SPECIAL INTERROGATORIES TO
DEFENDANT MORTGAGE
ELECTRONICS REGISTRATION
SYSTEMS, SET ONE

23
24
25 PROPOUNDING PARTY: Plaintiff, NICHOLAS VAZQUEZ
26 RESPONDING PARTY: Defendant, MORTGAGE ELECTRONICS
27 REGISTRATION SYSTEMS
28 SET NO: One
Special Interrogatories, Set One

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TO DEFENDANTS AND ITS ATTORNEY OF RECORD:

SPECIAL INTERROGATORIES

SPECIAL INTERROGATORIES NO. 1

Please state the date of the first contact between you company and the borrower in the subject loan transaction, the name and address and telephone number of the person(s) in your company who were involved in that contact, the manner of the contact (web, telephone, letter, application, solicitation, advertisement etc.)

SPECIAL INTERROGATORIES NO. 2

Please state the Name(s), addresses, email addresses and telephone numbers of all persons having knowledge, possession, custody, control or possession of any documents used by any person on behalf of any of the Defendants in this lawsuit, in connection with or in furtherance of selling or conveying any information about the lender, the mortgage broker, the appraiser, the terms or prospective terms of the note, mortgage, deed of trust, good faith estimate or any other document(s) related to the prospective or actual loan.

SPECIAL INTERROGATORIES NO. 3

Please state the name and address and phone number of the person at your company who is the custodian of any media concerning the advertisements, solicitations, scripts, digital or audio or visual media intended to bring new customers to your company.

SPECIAL INTERROGATORIES NO. 4

Please state the name of the person(s) involved in the underwriting of the subject loan.
“Underwriting” refers to any person who approved the loan, made or confirmed representations.

1 evaluations or appraisals of value of the home, value of the security instruments, ability of the
2 borrower to pay including, with respect to such underwriting person(s), their names, addresses,
3 current employment status, and phone number.

4
5 **SPECIAL INTERROGATORIES NO. 5**

6 Please state the name and address and phone numbers of any person(s) who had any contact with
7 any third party regarding the securitization, sale, transfer, assignment, hypothecation or any
8 document or agreement, oral, written or otherwise, that would effect the funding of the subject
9 loan, the closing of the subject loan, the receipt of money from a third party in a transaction that
10 referred to the subject loan.

11 **SPECIAL INTERROGATORIES NO. 6**

12 Please state the name and address and phone number of any person known or believed by anyone
13 in your company to have received either physical possession of the note, the mortgage, or any
14 document (including but not limited to assignment, endorsement, allonge, Pooling and Service
15 Agreement, Assignment and Assumption Agreement, Trust Agreement, letters or emails or faxes
16 of transmittals including attachments), that refers to or incorporates terms regarding the
17 securitization, sale, transfer, assignment, hypothecation or any document or agreement, oral,
18 written, or otherwise, that would effect the funding of the subject loan, the closing of the subject
19 loan, the receipt of money from a third party in a transaction that referred to the subject loan, and
20 whether such money was allocated to principal, interest or other obligation related to the subject
21 loan.

22 **SPECIAL INTERROGATORIES NO. 7**

23 Please state the name and address and phone number of all persons known or believed by anyone
24 in your company to have participated in the securitization of the subject loan including but not
25 limited to mortgage aggregators, mortgage brokers, financial institutions, Structured Investment
26 Vehicles, Special Purpose Vehicles, Trustees, Managers of derivative securities, managers of the
27 company that issued an asset backed security, and the names of any person or entitle that
28 purchased the asset backed security.

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SPECIAL INTERROGATORIES NO. 8

Please state the name, address of the person(s) in custody of any document that identifies the loan servicer(s) in the subject loan transaction.

SPECIAL INTERROGATORIES NO. 9

Please state the name and address of the person(s) or entities that are entitled, directly or indirectly to the stream of revenue from the borrower in the subject loan.

SPECIAL INTERROGATORIES NO. 10

Please state the name, address and phone number of any person(s) in custody of any document which refers to any instruction or authority to enforce the note or mortgage in the subject loan transaction.

SPECIAL INTERROGATORIES NO. 11

Other than people identified above, please state the name, address and phone number of any person(s) in custody of any document which refers to any instruction or authority to enforce the note or mortgage in the subject loan transaction.

SPECIAL INTERROGATORIES NO. 12

Other than people identified above, please state the name, address, phone number and employment status of any and all persons who have or had personal knowledge of the subject loan transaction, underwriting of the subject loan transaction, securitization, sale, transfer, assignment or hypothecation of the subject loan transaction, or the decision to enforce the note or mortgage in the subject loan transaction.

SPECIAL INTERROGATORIES NO. 13

Please state the names, addresses and phone numbers of any party, person or entity known or suspected by you or any of your officers, employees, independent contractors or other agents, or

1 servants of your company who might possess or claim rights under the subject loan or mortgage
2 and/or note.

3
4 **SPECIAL INTERROGATORIES NO. 14**

5 Please identify the custodian of the records, including, name, address and phone number that
6 would show all entries regarding the flow of funds regarding the closing on the subject loan
7 transaction. If this person does not have personal knowledge of the transaction, then please
8 identify in like fashion the person who worked for your company and had custody of the
9 accounting or bookkeeping registers or records identifying said flow of funds in the closing of
10 the subject loan transaction. Flow of funds, means (a) any record of money received, (b) any
11 record of money paid out and (c) any bookkeeping or accounting entry, general ledger and
12 accounting treatment of the subject loan transaction at your company including but not limited to
13 whether the subject loan transaction was ever entered into any category on the balance sheet at
14 any time or times, whether any reserve for default was ever entered on the balance sheet, and
15 whether any reserve for default was ever entered on the balance sheet, and whether any entry,
16 report or calculation was made regarding the effect of this loan transaction on the capital reserve
17 requirements of your company. If also includes any item, entry, calculation or note to any
18 category on either the balance sheet or the income statement of your company wheter in draft
19 form, or in final form.

20
21 **SPECIAL INTERROGATORIES NO. 15**

22 Please identify the custodian of the records, including, name, address and phone number that
23 would show all entries regarding the flow of funds regarding the subject loan transaction prior to
24 or after closing of the subject loan transaction. If this person does not have personal knowledge
25 of the transaction, then please identify in like fashion the person who worked for your company
26 and had custody of the accounting or bookkeeping registers or records identify said flow of funds
27 after or before the closing of the subject loan transaction. Flow of funds, means (a) any record of
28 money received, (b) any record of money paid out and (c) any bookkeeping or accounting entry,

1 general ledger and accounting treatment of the subject loan transaction at your company
2 including but not limited to whether the subject loan transaction was ever entered into any
3 category on the balance sheet at any time or times, whether any reserved for default was ever
4 entered on the balance sheet, and whether any entry, report or calculation was made regarding
5 the effect of this loan transaction on the capital reserve requirements of your company.
6

7 **SPECIAL INTERROGATORIES NO. 16**

8 Please identify the name, address and phone number of the auditor and/or accountant of your
9 financial statements or tax returns.
10

11 **SPECIAL INTERROGATORIES NO. 17**

12 Please identify the name, address and phone number of any attorney with whom you consulted or
13 who rendered an opinion regarding the subject loan transaction or any pattern of securitization
14 that may have effected the subject loan transaction directly or indirectly.
15

16 **SPECIAL INTERROGATORIES NO. 18**

17 Please identify the name, address and phone number of any person who served as an officer or
18 director with your company commencing with 6 months prior to the closing of the subject loan
19 transaction through the present. This interrogatory is limited only to those people who had
20 knowledge, responsibility, or otherwise made or received reports regarding information that
21 included the subject loan transaction, and/or the process by which solicitation, underwriting and
22 closing of residential mortgage loans, or the securitization, sale, transfer or assignment or
23 hypothecation of residential mortgage loans to third parties.
24

25 **SPECIAL INTERROGATORIES NO. 19**

26 Please state the name, address, telephone number, email address and fax number of nay person
27 known to you, your agents, servants or employees to have acted in the capacity of a mortgage
28 aggregator in which any document relating to the subject loan was transferred, assigned pledged

1 or hypothecated to a third party (i.e. a party other than the borrower, the lender, the trustee or any
2 other party specifically identified by name in the instruments presented at the closing of the
3 subject loan. This request specifically refers to any Trustee operating within or outside the
4 boundaries of the United States either as Trustee, officer, employee, agent, servant or affiliate,
5 including but not limited to any entity commonly referred to which fits the description of a
6 structured investment vehicle.

7
8 **SPECIAL INTERROGATORIES NO. 20**

9 Please state the Name(s), addresses, email addresses and telephone numbers of all persons
10 having knowledge, possession, custody, control or possession of any script used by any person
11 on behalf of any of the Defendants in this lawsuit, in connection with or in furtherance of selling
12 or conveying any information about the lender, the mortgage broker, the appraiser, the terms or
13 prospective terms of the note, mortgage, deed of trust, good faith estimate or any other
14 document(s) related to the prospective or actual loan.

15
16 **SPECIAL INTERROGATORIES NO. 21**

17 Please state the Name(s), address, telephone number, email address and fax number of any
18 person known to you, your agents, servants or employees to have acted in the capacity of a
19 trustee of any aggregation or pool of assets in which any document relating to the subject loan
20 was transferred, assigned, pledged or hypothecated to a third party (i.e. a party other than the
21 borrower, the lender, the trustee or any other party specifically identified by name in the
22 instruments presented at the closing of the subject loan. This request specifically refers to any
23 Trustee operating within or outside the boundaries of the United States either as Trustee,
24 officer, employee, agent, servant or affiliate, including but not limited to any entity commonly
25 referred to or which fits the description of a structured investment vehicle.

26
27 **SPECIAL INTERROGATORIES NO. 22**

28 Please state the name of the person(s) involved or having knowledge of any analysis or creation

1 of spreadsheets, notes, memoranda or other media, whether electronic or in hard copy, wherein
2 the composition of a pool or other aggregation of assets was created or described and which
3 included or referred to the subject loan. "Analysis" refers to any person who suggested or
4 approved the composition of the pool or aggregation, made or confirmed representation.
5 evaluations or appraisals of value of the home, value of the security instruments, ability of the
6 borrower to pay including, with respect to such analysis person(s), their names, address, current
7 employment status, and phone number.

8
9 **SPECIAL INTERROGATORIES NO. 23**

10 Please state printed source(s) of any analysis standards used to perform due diligence or analysis
11 and whether any independent verification or due diligence was performed utilizing such printed
12 source(s).

13
14 **SPECIAL INTERROGATORIES NO. 24**

15 Please the name of the person(s) involved or having knowledge of any analysis or creation of
16 spreadsheets, notes, memoranda or other media, whether electronic or in hard copy, wherein the
17 composition of a pool or other aggregation of assets was created or described and which included
18 or referred to the subject loan and wherein a description of the pool or aggregation was
19 transmitted, transferred, assigned, pledged or hypothecated to any investment banking entity
20 including but not limited to any special purpose vehicle or any entity that could be described as a
21 special purpose vehicle. A person who "transmitted, transferred, assigned, pledged or
22 hypothecated" refers to any person who suggested, approved, received or accepted the
23 composition of the pool or aggregation, made or confirmed representations, evaluations or
24 appraisals of value of the home, value of the security instruments, ability of the borrower to pay
25 including, with respect to such analysis.

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27 **SPECIAL INTERROGATORIES NO. 25**

28 Please the name of the person(s) involved or having knowledge of any analysis or creation of

1 spreadsheets, notes, memoranda or other media, whether electronic or in hard copy, wherein the
2 composition of a pool or other aggregation of assets was created or described and which included
3 or referred to the subject loan and wherein a description of the pool or aggregation was allocated,
4 transmitted, transferred, assigned, pledged or hypothecated to any part, or division of an entity or
5 investment banking entity including but not limited to any subsidiary, affiliate or company or
6 entity including but not limited to any special purpose vehicle or any entity that could be
7 described a special vehicle. A person who “allocated, transmitted, transferred, assigned, pledged
8 or hypothecated” refers to any person who suggested, approved, received or accepted the
9 composition of the pool or aggregation, made or confirmed representations, evaluations or
10 appraisals of value of the home, value of the security instruments, evaluations or appraisals of
11 value of the home, value of the security instruments, ability of the borrower to pay including,
12 with respect to such analysis person(s), their names, addresses, current employment status, and
13 phone number.

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15 **SPECIAL INTERROGATORIES NO. 26**

16 Please state the name of the person(s) involved or having knowledge of any analysis or creation
17 of any offering circular, spreadsheets, notes, memoranda or other media, whether electronic or in
18 hard copy, wherein the composition of a pool or other aggregation of assets was created or
19 described and which included or referred to the subject loan and wherein a description of the
20 pool or aggregation was transmitted, transferred, assigned, pledged or hypothecated to any buyer
21 or prospective buyer, investor or prospective investor including any entity including but not
22 limited to any subsidiary, affiliate or company or entity created at the direction of said buyer or
23 prospective buyer, investor or prospective investor and/or investment banking firm including but
24 not limited to any special purpose vehicle or any entity that could be described as a special
25 purpose vehicle. A person who “transmitted, transferred, assigned, pledged or hypothecated”
26 refers to any person who suggested, approved, received or accepted the composition of the pool
27 or aggregation, made or confirmed representations, evaluations or appraisals of value of the
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1 home, value of the security instruments, ability of the borrower to pay including, with respect to
2 such analysis person(s), their names, addresses, current employment status, and phone number.

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4 **SPECIAL INTERROGATORIES NO. 27**

5 Please state the name of the person(s) involved or having knowledge of any rating or evaluation
6 of any securities or certificates, or any entity acting as an issuer of any securities or certificates
7 and describe with specificity the name, address, telephone number, fax number, and email
8 address of the person(s) as such rating entity (which might include Moody's, Fitch or Standard
9 and Poor's) based upon an analysis or creation of spreadsheets, composition of a pool or other
10 aggregation of assets was created or described and which included or referred to the subject loan
11 and wherein a description of the pool or aggregation was transmitted, transferred, assigned,
12 pledged or hypothecated" refers to any person who suggested, approved, received or accepted
13 the composition of the pool or aggregation, made or confirmed representations, evaluations or
14 appraisals of value of the home, value of the security instruments, ability of the borrower to pay
15 including, with respect to such analysis person(s), their names, addresses, current employment
16 status, and phone number.

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18 **SPECIAL INTERROGATORIES NO. 28**

19 Please state the name of the person(s) involved or having knowledge of any credit default swap
20 or other instrument hedging the risk of default as to any person or entity acting as an issuer of
21 any securities or certificates and describe with specificity the name, address, telephone number,
22 fax number, and email address of the person(s) of the parties to such instrument and whether
23 such instrument was based upon an analysis or creation of spreadsheets, notes, memoranda or
24 other media, whether electronic or in hard copy, wherein the composition of a pool or other
25 aggregation of assets was created or described and which included or referred to the subject loan
26 and wherein a description of the pool or aggregation was transmitted, transferred, assigned
27 pledged or hypothecated to any entity or buyer. A person who "transmitted, transferred,
28 assigned, pledged or hypothecated" refers to any person who suggested, approved, received or

1 accepted the composition of the pool or aggregation, made or confirmed representations,
2 evaluations or appraisals of value of the home, value of the security instruments, ability of the
3 borrower to pay including, with respect to such analysis person(s), their names, addresses,
4 current employment status, and phone number.

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6 **SPECIAL INTERROGATORIES NO. 29**

7 Please state the name of the person(s) involved or having knowledge of any insurance policy or
8 product, plan or instrument describing overcollateralization, cross collateralization or guarantee
9 or other instrument hedging the risk of default as to any person or entity acting as an issuer of
10 any securities or certificates and describe with specificity the name, address, telephone number,
11 fax number, and email address of the person(s) of the parties to such instrument and whether
12 such instrument was based upon an analysis or creation of spreadsheets, notes, memoranda or
13 other media, whether electronic or in hard copy, wherein the composition of a pool or other
14 aggregation of assets was created or described and which included or referred to the subject loan
15 and wherein a description of the pool or aggregation was transmitted, transferred, assigned,
16 pledged or hypothecated” refers to any person who suggested, approved, received or accepted
17 the composition of the pool or aggregation, made or confirmed representations, evaluations or
18 appraisals of value of the home, value of the security instruments, ability of the borrower to pay
19 including, with respect to such analysis person(s), their names, addresses, current employment
20 status, and phone number.

21
22 **SPECIAL INTERROGATORIES NO. 30**

23 Please state printed source(s) of any analysis standards used to perform due diligence or analysis
24 and whether any independent verification or due diligence was performed utilizing such printed
25 source(s).

1 **SPECIAL INTERROGATORIES NO. 31**

2 Please state the name and address and phone number of any person known or believed by anyone
3 in your company to have instructed the Trustee in the initiation of the foreclosure of the subject
4 property in the instant case.

5
6 **SPECIAL INTERROGATORIES NO. 32**

7 Please state the names, addresses and phone numbers of any party, person or entity known or
8 suspected by you or any of your officers, employees, independent contractors or her agents, or
9 servants of your company who might possess the Original Note and Deed of the subject property
10 in the instant case.

11
12 **SPECIAL INTERROGATORIES NO. 33**

13 Please describe the instructions or procedures given to the Trustee during the initiation of the
14 foreclosure of the subject property in the instant case.

15
16 **SPECIAL INTERROGATORIES NO. 34**

17 Please state the names, addresses and phone numbers of any party, person or entity known or
18 suspected by you or any of your officers, employees, independent contractors or her agents, or
19 servants of your company who contacted the PLAINTIFF in compliance with procedural
20 requirements prior to the filing of the Notice of Trustee Sale on the subject property in the instant
21 case.

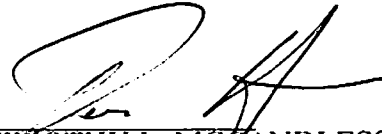
22
23 **SPECIAL INTERROGATORIES NO. 35**

24 Please state the names, addresses and phone numbers of any party, person or entity known or
25 suspected by you or any of your officers, employees, independent contractors or other agents, or
26 servants of your company who might possess the accounting of proceeds collected from
27 PLAINTIFF since the inception of the mortgage loan on the subject property in the instant case.

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Respectfully submitted,

Dated this December 22, 2008



TIMOTHY L. MCCANDLESS, ESQ.
TERRENCE T. HUANG, ESQ.
Law Offices of Timothy Mccandless
Attorney for Plaintiff
Nicholas Vazquez/Petra Pena

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8
9 **Attorney for Plaintiffs,**
10 **Nicholas Vazquez**
11 **Petra Pena**

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **COUNTY OF SACRAMENTO**

14 **NICHOLAS VAZQUEZ and PETRA PENA.) Case No.: 34-2008-00020191-CU-OR-GDS**

15 **Plaintiffs,)**

16 **vs.)**

17 **U.S. BANK NATIONAL ASSOCIATION, et)**
18 **al.,)**

19 **Defendants.)**
20 **)**
21 **)**
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23 **)**
24 **)**

PLAINTIFF NICHOLAS VAZQUEZ
REQUESTS FOR THE PRODUCTION
OF DOCUMENTS TO DEFENDANT
MORTGAGE ELECTRONICS
REGISTRATION SYSTEM, SET ONE

25 **PROPOUNDING PARTY: Plaintiff, NICHOLAS VAZQUEZ**
26 **RESPONDING PARTY: Defendant, MORTGAGE ELECTRONICS**
27 **REGISTRATION SYSTEMS**
28 **SET NO: One**
Requests for the Production of Documents to Defendant, Set One

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TO DEFENDANTS AND ITS ATTORNEY OF RECORD:

Plaintiff demands under Code of Civil Procedure Section 2031 that YOU produce all DOCUMENTS, WRITINGS, papers, books, letters, photographs, objects, or other tangible things in the following specified categories described below, for inspection and copying of photographing by Timothy L. McCandless, attorney for Plaintiff, at the Law Offices of Timothy L. McCandless located at 15647 Village Drive, Victorville, CA 92392.

The manner of inspection shall be by personal inspection including the copying or photographing by or on behalf of Plaintiff of the original DOCUMENTS, etc. identified pursuant to the above request for documents, as well as specific items identified below.

As a substitute for compliance with this request for documents, YOU may deliver to the above office of Plaintiff's attorney on or before the date specified herein a legible copy of each DOCUMENT, etc., together with a statement from YOU certifying that the copy provided is a true, complete, and correct copy of such DOCUMENT or DOCUMENTS.

DEFINITIONS AND INSTRUCTIONS

- A. The terms "Defendant", "YOU", and "YOUR" refer to Defendant ELECTRONICS REGISTRATION SYSTEMS, any entity owned or controlled, in whole or in part, by Defendant, and every officer, employee, agent, attorney or other person acting or purporting to act on behalf of the Defendant. To the extent these requests call for documents that are also responsive to document requests served on other defendants in this proceeding, it is not necessary for Defendant to produce duplicate copies of the same documents, provided that Defendant makes clear in his responses whether and which documents are being produced in response to each of the document requests.
- B. The term "document" shall include, without limitation, any tangible item in Defendant's possession, custody or control, or of which Defendant has knowledge, wherever located, whether sent or received or neither, whether an original or a copy, including without limitation, correspondence (including e-mails), memoranda, printed

1 matter, reports, records, notes, calendars, diaries, telegrams, telexes, studies, market
2 surveys, market research, tabulations, contracts, invoices, receipts, vouchers,
3 registrations, books of account or financial records, notes advertisements, trademark
4 search reports, directories, publications, computer software, computer files, databases,
5 computer tapes and printouts, Internet web pages, microfilms or the like, and
6 photographs. In all cases where originals and/or non-identical copies are not
7 available, the term "document" also means identical copies of original documents and
8 copies of non-identical copies.

9 C. Whenever the terms "and" or "or" are used, including in these definitions, they are to
10 be construed both disjunctively and conjunctively as necessary to bring within the
11 scope of these discovery requests responses that might otherwise be construed to be
12 outside the scope.

13 D. The use of the singular for of any word include the plural and vice versa. References
14 to masculine gender shall apply equally to feminine gender.

15 E. The term "concerning" means relating to, referring to, describing evidencing or
16 constituting. When a request asks for documents which "concern" an allegation, you
17 must produce not only documents which support such allegations but *also documents*
18 *which tend to negate such allegations.*

19 F. In searching for responsive documents, you shall review all places where any
20 responsive documents reasonably might be expected to be.

21 G. All documents produced in an electronic format shall be produced in their native
22 format.

23 H. If any document required to be produced by these requests has been destroyed or
24 discarded, identify such document by (i) author or preparer, (ii) addressee, (iii)
25 indicated or blind copies, (iv) date, (v) subject matter, (vi) number of pages, (vii)
26 attachment of appendices, (viii) all persons to whom it was distributed, shown or
27 explained, (ix) date of destruction or discarding; (x) manner of destruction or
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1 discarding; (xi) reasons for destruction or discarding; (xii) person authorizing
2 destruction or discarding; and (xiii) person destroying or discarding the document.

- 3 I. If you object to furnishing documents in response to any request, or any part of
4 portion thereof, you should specifically state the basis of such objection, identify the
5 documents to which each objection applies, and furnish all requested documents to
6 which the objection does not apply.
- 7 J. Any objection to any request for which a basis has not been specifically stated within
8 the time provided by the California Rules of Civil Procedure shall be waived.
- 9 K. For the convenience of the Court and the parties, you are requested to order and label
10 the materials produced in accordance with the California Rules of Civil Procedure.
- 11 L. These document requests are intended to be continuing. If at any time after you
12 prepare and furnish the requested discovery you ascertain or acquire additional
13 responsive documents, you are requested to produce such supplemental documents to
14 Plaintiff.

15 **DOCUMENT REQUESTS**

16
17 **DOCUMENT REQUEST NO. 1:**

18 Produce all documents which evidence, relate to, or refer to YOUR defense(s) to the
19 Complaint. This includes but is not limited to receipts, escrow documents, notes, etc.

20
21 **DOCUMENT REQUEST NO. 2:**

22 Produce all documents which evidence any communications between YOU and
23 Plaintiffs.

24
25 **DOCUMENT REQUEST NO. 3:**

26 Produce all documents which evidence, relate to, or refer to the list of indorsements relating
27 to the chain of assignments of Plaintiff's Note.

1 **DOCUMENT REQUEST NO. 4:**

2 Produce all solicitation documentation provided to consumers in the last five (5) years.

3
4 **DOCUMENT REQUEST NO. 5:**

5 Produce all solicitation documents provided to Plaintiff within the last five (5) years.

6
7 **DOCUMENT REQUEST NO. 6 :**

8 Produce all documents that evidence, relate to, or refer to any loss mitigation procedures
9 enacted by YOU in the last five (5) years.

10
11 **DOCUMENT REQUEST NO. 7:**

12 Produce all documents that evidence, relate to or refer to your compliance with federal loss
13 mitigation requirements in the last five (5) years.

14
15 **DOCUMENT REQUEST NO. 8:**

16 Produce all documents that evidence, relate to or refer to YOUR policy regarding any and all
17 loss mitigation procedures or requirements.

18
19 **DOCUMENT REQUEST NO. 9:**

20 Produce all documents that evidence, relate to or refer to the date YOU obtained physical
21 possession of Plaintiff's Note.

22
23 **DOCUMENT REQUEST NO. 10:**

24 Produce all documents that evidence, relate to, or refer to consideration paid by YOU for
25 Plaintiff's Note.

26
27 **DOCUMENT REQUEST NO. 11:**

1 Produce all documents that evidence, relate to or refer to each and every entity in the chain of
2 title for Plaintiff's Note.

3
4 **DOCUMENT REQUEST NO. 12:**

5 Please provide any and all documents that Evidences Discusses Concerns Refers or relates to
6 your acquisition of the Note and Deed of Trust executed by Plaintiff.

7
8 **DOCUMENT REQUEST NO. 13:**

9 Please provide any and all documents that Evidences Discusses concerns Refers or relates to
10 any assignments of the Note and Deed of trust executed by Plaintiff.

11
12 **DOCUMENT REQUEST NO. 14:**

13 With Regard to any request for admissions accompanying this document request that you do
14 not unqualifiedly admit please provide all documents that Evidences Discusses Concerns
15 Refers Relates or Supports your denial.

16
17 **DOCUMENT REQUEST NO. 15:**

18 Please provide any and all documents that Evidences Discusses Concerns Refers or relates to
19 any agreements expressing, identifying, or limiting the authority of Defendant to act as
20 trustee for Ocwen Loan Servicing, Inc.

21
22 **DOCUMENT REQUEST NO. 16:**

23 In relation to Plaintiff's loan, please provide any and all documents that Evidences,
24 Discusses, Concerns, Refers or relates to any written Powers of Attorney granted by you to
25 any entity.

26
27 **DOCUMENT REQUEST NO. 17:**

1 All writings, as that term is defined by Evidence Code Section 250, which are
2 communications between Plaintiff and/or any agent of her, on the one hand, and Defendant
3 and/or any agent of its, on the other hand.
4

5 **DOCUMENT REQUEST NO. 18:**

6 All writings, as that term is defined by Evidence Code Section 250, which are
7 communications between Defendant and/or any agent of it, on the one hand, and mortgage
8 broker and/or any agent of his, on the other hand.
9

10 **DOCUMENT REQUEST NO. 19:**

11 All writings, as the term is defined by Evidence Code Section 250, which are
12 communications between Defendant and/or any agent of it, on the one hand, and Trustee
13 and/or any agent of her, on the other hand.
14

15 **DOCUMENT REQUEST NO. 20:**

16 All writings, as the term is defined by Evidence Code Section 250, which are
17 communications between Defendant and/or any agent of it, on the one hand, and federal
18 governmental agencies and/or any agent of them, on the other hand.
19

20 **DOCUMENT REQUEST NO. 21:**

21 All writings, as that term is defined by Evidence Code Section 250, which are
22 communications between or among any of the parties in respect to any and all facts alleged in
23 the Complaint.
24

25 **DOCUMENT REQUEST NO. 22:**

26 This document request includes Plaintiff's loan file. This document request includes but is
27 not limited to all DOCUMENTS regarding Plaintiff's loan, including all DOCUMENTS
28 regarding the decision to accept Plaintiff's mortgage loan.

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DOCUMENT REQUEST NO. 23:

Produce all mortgage procedural handbooks in effect during the acquisition of Plaintiff's loan. This request for documents for document(s) includes, but is not limited to, all revisions of such handbooks implemented during said acquisition period.

DOCUMENT REQUEST NO. 24:

Please produce all mortgage acceptance policies and procedures in effect during Plaintiff's loan with YOU. This request for document(s) includes, but is not limited to, all DOCUMENTS constituting or relating to policies and procedures for your mortgage loan operation.

DOCUMENT REQUEST NO. 25:

Please produce all documents constituting or relating to any investigation of YOUR mortgage loan operation conducted by state, federal, or regulatory agencies. This request for documents includes, but is not limited to, all DOCUMENTS generated as result of said investigations.

DOCUMENT REQUEST NO. 26:

Please produce all documents reflecting or relating to YOUR reasons to foreclose on Plaintiff's mortgage loan. This request for document(s) includes, but is not limited to, all correspondence between any of YOUR independent contractors and/or employees and any Third Party regarding the reason to foreclose on Plaintiff's mortgage loan.

DOCUMENT REQUEST NO. 27:

Please produce all documents constituting or relating to all written communications between Plaintiff and YOU during the entire period of YOUR servicing of Plaintiff's loan. This

1 document request includes, but is not limited to, all correspondence between Plaintiff and
2 any third parties regarding assignments, power of attorney, or any other matter.

3
4 **DOCUMENT REQUEST NO. 28:**

5 Please produce all documents maintained by YOU regarding Plaintiff. This document
6 request includes, but is not limited to, all desk files, correspondence, computer notes, email,
7 or any other documents or electronic data relating in any way to Plaintiff.

8
9 **DOCUMENT REQUEST NO. 29:**

10 Please produce all documents constituting or relating to communications between YOU and
11 any person or legal entity regarding the reasons for foreclosing on Plaintiff's residence. This
12 document request includes, but is not limited to, all references, notes of oral statements made
13 to third party and subcontractors, and communications with current or former employees
14 regarding the foreclosure decision.

15
16 **DOCUMENT REQUEST NO. 30:**

17 Please produce all documents constituting or relating to communications between YOU and
18 any governmental agency regarding Plaintiff's loan. This document request includes, but is
19 not limited to, communications to subcontractors of governmental agencies.

20
21 **DOCUMENT REQUEST NO. 31:**

22 Please produce all documents which evidence, refer to, or relate to all lawsuit(s) filed against
23 YOU within the last five (5) years.

24
25 **DOCUMENT REQUEST NO. 32:**

26 Please produce all documents which evidence, refer to, or relate to all lawsuit(s) claiming
27 fraud against YOU within the last five (5) years.

1 **DOCUMENT REQUEST NO. 33:**

2 Please produce all memos, charges, letters, complaints or similar documents generated by
3 your customers claiming YOU failed to properly participate in any and all loss mitigation
4 program.

5
6 **DOCUMENT REQUEST NO. 34:**

7 Please produce all cancelled checks, cash receipts or other similar documents received from
8 Plaintiff.

9
10 **DOCUMENT REQUEST NO. 35:**

11 Please produce all documents which evidence, refer to, or relate to YOUR certification or
12 license to perform mortgage servicing or related services while YOU held Plaintiff's
13 mortgage.

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15 **DOCUMENT REQUEST NO. 36:**

16 Please produce all documents which evidence, refer to, or relate to how the amount
17 demanded from Plaintiff was calculated.

18
19 **DOCUMENT REQUEST NO. 37:**

20 Produce all documents that evidence, relate to, or refer to your association with the mortgage
21 origination company.

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23 **DOCUMENT REQUEST NO. 38:**

24 Produce all documents that evidence, relate to, or refer to YOUR incorporation.

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26 **DOCUMENT REQUEST NO. 39:**

27 Produce all documents that evidence, relate to, or refer to YOUR business structure in the
28 last year.

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DOCUMENT REQUEST NO. 40:

Produce all documents that evidence, relate to, or refer to YOUR business structure in the last three (3) years.

DOCUMENT REQUEST NO. 41:

Produce all documents that evidence, relate to, or refer to YOUR business structure in the last five (5) years.

DOCUMENT REQUEST NO. 42:

Produce all documents that evidence, relate to, or refer to YOUR dissolution as a corporation in the last year.

DOCUMENT REQUEST NO. 43:

Produce all documents that evidence, relate to, or refer to YOUR dissolution as a corporation in the last three (3) years.

DOCUMENT REQUEST NO. 44:

Produce all documents that evidence, relate to, or refer to YOUR dissolution as a corporation in the last five (5) years.

DOCUMENT REQUEST NO. 45:

Produce all documents that evidence, relate to, or refer to the nature of YOUR business entity in the last year.

DOCUMENT REQUEST NO. 46:

Produce all documents that evidence, relate to, or refer to the nature of YOUR business entity in the last three (3) years.

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DOCUMENT REQUEST NO. 47:

Produce all documents that evidence, relate to, or refer to the nature of YOUR business entity in the last five (5) years.

DOCUMENT REQUEST NO. 48:

Produce all tax returns filed by YOU in the last three (3) years.

DOCUMENT REQUEST NO. 49:

Produce all tax returns filed by YOU in the last five (5) years.

DOCUMENT REQUEST NO. 50:

Produce all documents that evidence, relate to, or refer to YOUR gross revenues in the last fiscal year.

DOCUMENT REQUEST NO. 51:

Produce all documents that evidence, relate to, or refer to YOUR gross revenues in the last three (3) fiscal years.

DOCUMENT REQUEST NO. 52:

Produce all documents that evidence, relate to, or refer to YOUR gross revenues in the last five (5) fiscal years.

DOCUMENT REQUEST NO. 53:

Produce all documents that evidence, relate to, or refer to YOUR net profits in the last fiscal year.

DOCUMENT REQUEST NO. 54:

1 Produce all documents that evidence, relate to, or refer to YOUR net profits in the last three
2 (3) fiscal years.

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4 **DOCUMENT REQUEST NO. 55:**

5 Produce all documents that evidence, relate to, or refer to YOUR net profits in the last five
6 (5) years.

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8 **DOCUMENT REQUEST NO. 56:**

9 Produce all documents that evidence, relate to, or refer to customer complaints YOU
10 received in the last year.

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12 **DOCUMENT REQUEST NO. 57:**

13 Produce all documents that evidence, relate to, or refer to customer complaints YOU
14 received in the last three (3) years.

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16 **DOCUMENT REQUEST NO. 58:**

17 Produce all documents that evidence, relate to, or refer to customer complaints YOU
18 received in the last five (5) years.

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20 **DOCUMENT REQUEST NO. 59:**

21 Produce all documents that evidence, relate to, or refer to customer complaints registered
22 against YOU with the Better Business Bureau in the last year.

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24 **DOCUMENT REQUEST NO. 60:**

25 Produce all documents that evidence, relate to, or refer to customer complaints registered
26 against YOU with the Better Business Bureau in the last three (3) years.

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28 **DOCUMENT REQUEST NO. 61:**

1 Produce all documents that evidence, relate to, or refer to customer complaints registered
2 against YOU with the Better Business Bureau in the last five (5) years.

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4 **DOCUMENT REQUEST NO. 62:**

5 Produce all documents that evidence, relate to, or refer to complaints registered against YOU
6 with any governmental agency in the last year.

7
8 **DOCUMENT REQUEST NO. 63:**

9 Produce all documents that evidence, relate to, or refer to complaints registered against YOU
10 with any governmental agency in the last three (3) years.

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12 **DOCUMENT REQUEST NO. 64:**


13 Produce all documents that evidence, relate to, or refer to complaints registered against YOU
14 with any governmental agency in the last five (5) years.

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16 **DOCUMENT REQUEST NO. 65:**

17 Produce all documents that evidence, relate to, or refer to any merger activities involving
18 YOU.

19
20
21 Respectfully submitted.

22 Dated this December 18, 2008

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25 
26 **TERRENCE T. HUANG**
27 Law Offices of Timothy McCandless
28 Attorney for Plaintiff
Nicholas Vazquez/Petra Pena

1 Timothy L. McCandless (SBN: 147715)
2 Terrence T. Huang (SBN: 253608)
3 LAW OFFICES OF TIMOTHY L. MCCANDLESS
4 15647 Village Drive
5 Victorville, CA 92392
6 Tel: (760) 690-8575
7 Fax: (909) 494-4214

8
9 Attorney for Plaintiffs,
10 Nicholas Vazquez
11 Petra Pena

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF SACRAMENTO

14 NICHOLAS VAZQUEZ and PETRA PENA.)

Case No.: 34-2008-00020191-CU-OR-GDS

15 Plaintiffs.)

16 vs.)

PLAINTIFF NICHOLAS VAZQUEZ'S
REQUESTS FOR ADMISSIONS TO
DEFENDANT MORTGAGE
ELECTRONICS REGISTRATION
SYSTEMS, SET ONE

17 U.S. BANK NATIONAL ASSOCIATION, et)
18 al.,)

19 Defendants.)
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25 **PROPOUNDING PARTY:**

Plaintiff, NICHOLAS VAZQUEZ

26 **RESPONDING PARTY:**

Defendant, MORTGAGE ELECTRONICS
REGISTRATION SYSTEMS

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28 **SET NO:**

One
Requests for Admissions, Set One

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TO DEFENDANTS AND ITS ATTORNEY OF RECORD:

REQUESTS FOR ADMISSIONS

YOU ARE REQUIRED, pursuant to California Civil Procedure Rules 2033.210 – 2033.300 by and through an authorized officer of your company, to answer completely, in writing and under oath, the following request for admissions, and to return your answers to this request for admissions to Plaintiff’s attorney at his mailing address located at Law Offices of Timothy L. McCandless, 15647 Village Drive, Victorville, CA 92392, within thirty days of the date of service of these request for admissions.

INSTRUCTIONS TO REQUESTS FOR ADMISSIONS

1. These requests for admissions are directed toward all information known or available to DEFENDANT, including information contained in the records and documents in DEFENDANT’S custody or control or available to DEFENDANT, upon reasonable inquiry. Your answer to each request for admission shall specifically deny the matter, or set forth in detail the reasons why you cannot truthfully admit or deny the matter. Where requests for admissions cannot be answered fully, they shall be answered as completely as possible and incomplete answers shall be accompanied by a specification of the reasons for the incompleteness of the answer and of whatever actual knowledge is possessed with respect to each unanswered request for admission.
2. Each request for an admission is to be deemed a continuing one. If, after serving an answer to any request for admission, an authorized officer for DEFENDANT obtains or becomes aware of any further information pertaining to that request for admission,

1 the authorized officer for DEFENDANT is requested to serve a supplemental answer
2 setting forth such information.

- 3 3. As to every request for an admission which an authorized officer for DEFENDANT
4 fails to answer in whole or in part, the subject matter of the admissions will be
5 deemed confessed and stipulated as fact to the court.

6
7 **DEFINITIONS**

- 8
9 1. "You" and "your" include DEFENDANT and any and all persons acting for or in concert
10 with DEFENDANT.
11 2. "Document" includes every piece of paper held in your possession or generated by you.

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13
14 **ADMISSIONS REQUESTED**

15
16 **REQUEST FOR ADMISSIONS NO. 1**

17 Admit or deny that DEFENDANT is not a domestic to the state of California.

18
19 **REQUEST FOR ADMISSIONS NO. 2**

20 Admit or deny that DEFENDANT has not registered as business entity with California's
21 Secretary of State or his agent.

22
23 **REQUEST FOR ADMISSIONS NO. 3**

24 Admit or deny that DEFENDANT is not chartered as a bank in California.

25
26 **REQUEST FOR ADMISSIONS NO. 4**

27 Admit or deny that DEFENDANT never at any time took possession of the original promissory
28 note obligating PLAINTIFF and/or alienable in this instant case.

1 **REQUEST FOR ADMISSIONS NO. 5**

2 Admit or deny that the alleged copy of the promissory note submitted by DEFENDANT in the
3 instant case is not a true and correct copy of any promissory note which DEFENDANT lost or
4 destroyed.

5
6 **REQUEST FOR ADMISSIONS NO. 6**

7 Admit or deny that the alleged copy of the promissory note submitted by DEFENDANT includes
8 no allonge showing any assignment to named DEFENDANT.

9
10 **REQUEST FOR ADMISSIONS NO. 7**

11 Admit or deny that no paper showing any assignment of the promissory note alienable in this
12 instant case to named DEFENDANT ever existed.

13
14 **REQUEST FOR ADMISSIONS NO. 8**

15 Admit or deny that DEFENDANT is not in possession of the account and general ledger
16 statement, authenticated by a competent fact witness, proving a deficiency owed by PLAINTIFF.

17
18 **REQUEST FOR ADMISSIONS NO. 9**

19 Admit or deny that absent possession of the account and general ledger statement, authenticated
20 by a competent fact witness, proving a deficiency owed by PLAINTIFF, DEFENDANT cannot
21 prove a deficiency owed by PLAINTIFF.

22
23 **REQUEST FOR ADMISSIONS NO. 10**

24 Admit or deny that it is the practice of DEFENDANT to charge-off and sell notes in arrears after
25 collecting insurance on the outstanding amount of indebtedness.

26
27 **REQUEST FOR ADMISSIONS NO. 11**

28 Admit or deny that after DEFENDANT charges off and sells evidence of indebtedness, the

1 commercial paper illustrating the duty between the mortgagor and mortgagee or assignee
2 becomes legally uncollectable.

3
4 **REQUEST FOR ADMISSIONS NO. 12**

5 Admit or deny that DEFENDANT is not the real party in interest in these proceedings.

6
7 **REQUEST FOR ADMISSIONS NO. 13**

8 Admit or deny that you did not have in your possession at the time of the alleged foreclosure the
9 Original Note executed by PLAINTIFF and indorsed to you.

10
11 **REQUEST FOR ADMISSIONS NO. 14**

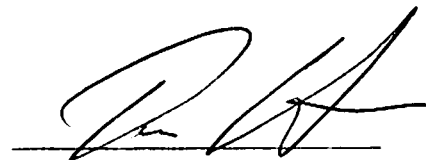
12 Admit or deny that in your capacity as the trustee that you never took physical possession of the
13 Note executed by PLAINTIFF.

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15 **REQUEST FOR ADMISSIONS NO. 15**

16 Admit or deny that you did not provide to the Trustee at the time of the Notice of Default or to
17 anyone the original note and deed of trust executed by PLAINTIFF and with an assignment of
18 these documents to you.

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22 Respectfully submitted,

23 Dated this December 22, 2008

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27 TIMOTHY L. MCCANDLESS, ESQ.
28 TERRENCE T. HUANG, ESQ.
Law Offices of Timothy McCandless
Attorney for Plaintiff
Nicholas Vazquez/Petra Pena

Requests for Admissions, Set One

PROOF OF SERVICE BY MAIL

I am a citizen of the United States and employed in San Bernardino County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 15647 Village Drive, Victorville, California 92392. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with FEDEX System. On December 22, 2008, I placed with this firm at the above address for deposit with FEDEX System a true and correct copy of the within document(s): [Tracking Number 9612019 8831588 10000002; Ground Service]

Case No. 34-2008-00020191-CU-PR-GDS

**Discovery Requests propounded against Defendant MORTGAGE ELECTRONICS
REGISTRATION SYSTEMS**

- (a) Form Interrogatories – General**
- (b) Requests for Production of Documents**
- (c) Special Interrogatories**
- (d) Requests for Admissions**

in a sealed envelope, postage fully paid, addressed as follows:

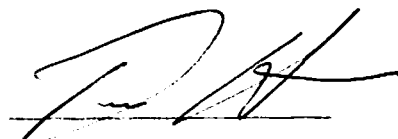
Attorney for Defendant, MORTGAGE ELECTRONICS REGISTRATION SYSTEMS

Rachel S. Vaughan, Esq.
HOUSER & ALLISON
9970 Research Drive
Irvine, CA 92618

Following ordinary business practices, the envelope was sealed and placed for collection and mailing on this date, and would, in the ordinary course of business, be deposited with the United States Postal Service on this date.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on December 22, 2008, at Victorville, California.



Terrence Huang