

Law Office of James F. Villere', Jr.
 By: Mark J. Malone, Esq., Of Counsel
 441 Main Street, Metuchen, NJ 08840
 (973) 267-0787
 Attorneys for Defendants Francisco Brena
 and Freya Gallegos

	:	SUPERIOR COURT OF NEW JERSEY
THE BANK OF NEW YORK	:	CHANCERY DIVISION
TRUSTEE FOR EQUITY ONE INC.	:	MIDDLESEX COUNTY
MORTGAGE/PASS THROUGH	:	DOCKET NO.: F-27578-08
CERTIFICATE SERIES 2006-A,	:	
Plaintiff	:	
v.	:	
	:	Civil Action
	:	
FRANCISCO BRENA AND FREYA	:	
GALLEGOS, HUSBAND	:	
AND WIFE, et al	:	
Defendants	:	
	:	

Certification in Support of Motion for Award of Counsel Fees

1. I am an attorney at law for the State of New Jersey.
2. I make this certification in support of Defendants' motion for an award of counsel fees.
3. I am a member of the New Jersey and New York Bars. I am admitted to practice before the United States District Court for the District of New Jersey and the Southern District of New York, the United States Court of Appeals for the Second and Third Circuits and the United States Supreme Court.
4. In cooperation with the pro bono initiative of the Anti-Predatory Lending Project of Legal Services of New Jersey ("LSNJ"), as co-counsel with James F. Villere', Jr., Esq., I represented Defendants Francisco Brena and Freya Gallegos in the above foreclosure matter.
5. Predatory mortgage lending involves a set of unconscionable and fraudulent marketing and lending practices that target low-income, elderly, and minority homeowners, resulting in unjustified increased payments, equity stripping and foreclosure.

6. I am familiar with predatory lending practices used in the marketing of subprime mortgages to borrowers in the past few years.
7. On July 24, 2008, I attended a “Pro Bono Training Seminar on Foreclosure Defense” sponsored by the LSNJ’s Anti-Predatory Lending Project.
8. On September 5 – 7, 2008, I attended a 2008 Mortgage Lending Litigation conference on “Representing Homeowners Facing Foreclosure” sponsored by the National Association of Consumer Advocates.
9. For 8 years, from 1974 through 1982, I was a state and then a federal prosecutor, first with the New Jersey Attorney General’s Office and then with the United States Attorney’s Office for the District of New Jersey, assigned to the special prosecutions divisions responsible for investigating white-collar crime, political corruption and organized crime.
10. The bulk of my career in private practice has been spent conducting in-depth, internal corporate investigations into fraud, waste and abuse on behalf of corporations and government agencies.
11. I am personally familiar with the matters set forth in this certification having been the lead attorney on the matter and having reviewed the attached time records documenting the fee application.
12. On September 26, 2008, I served by first class mail a written notice and demand upon Michael Milstead, Esq. stating the reasons for and demanding withdrawal of the foreclosure complaint because it violated R. 1:4-8. A copy of the September 26, 2008 written demand is attached as Exhibit A.
13. The complaint was not withdrawn or corrected within 28 days following service of the September 26, 2008 written notice and demand.
14. Defense counsels’ success in this foreclosure matter is the product of a close, collaborative effort between Mr. Villere’ and myself.
15. Without that collaborative effort and attention to detail, we never could have achieved the investigative breakthroughs leading to:
 - the discovery of the fraudulently altered mortgage documents,
 - the circumstance that the alleged Plaintiff was not a bona fide entity,
 - the circumstance that the assignment of Defendants’ mortgage and note by Mortgage Electronic Registration Systems, Inc. (“MERS”) was bogus because MERS never had an interest in Defendants’ promissory note,

- the evidence that revealed the explanation for the altered mortgage documents proffered by Plaintiff's counsel, Nelson Diaz, Esq. ("Diaz") was false;
 - identification of the real securitized trust claiming ownership of Defendants' mortgage and promissory note;
 - evidence tracing the fraudulent alteration of loan documents into public filings with the United States Securities and Exchange Commission by the securitized trust.
16. The investigative and legal efforts made on behalf of our clients are detailed in part in three earlier certifications previously filed with the Court by Mark J. Malone, Esq. dated October 6, 2008 and January 5, 2009, and the respective briefs accompanying those certifications.
 17. The time spent by Mr. Villere' and myself on the matter is documented on the attached billing record. (Exhibit B.)
 18. The time expended was necessitated by the complexities of securitized mortgage financing, the volume of paperwork involved in a mortgage loan transaction, and the need to expose the deceits committed by the mortgage lender's still unidentified representatives.
 19. At oral argument on January 9, 2009 on Defendants' motion to dismiss, Plaintiff's counsel acknowledged that counsel for Defendants had probably spent months working on the case.
 20. Mr. Villere' spent a total of 112.2 hours on the matter up through January 22, 2009, the date when Plaintiff took a voluntary dismissal of the complaint.
 21. Mr. Villere's standard hourly billing rate is \$250 an hour. The 112.2 hours spent by Mr. Villere in representing Defendants is valued at \$28,050.
 22. Mr. Villere was admitted to the practice of law in New Jersey in 1982.
 23. Mr. Villere's investigative experience includes service as counsel to the State Commission of Investigation from 1990 to 1994 where he managed investigations into public corruption and organized crime. Prior to that he served as a Special Assistant to the Director of Division of Purchase and Property in the New Jersey Department of Treasury from 1987 to 1990 and presided as a Hearing Officer.
 24. I spent a total of 300.1 hours on the matter up through January 22, 2009, the date when Plaintiff took a voluntary dismissal of the complaint.

25. My standard hourly billing rate is \$300 an hour. The 300.1 hours spent by me in representing Defendants is valued at \$90,030
26. The total time spent by Mr. Villere and me in representing Defendants is valued at \$118,080.
27. Since Plaintiff's counsel took a voluntary dismissal of the case on February 12, 2009, no effort has been made to bring a new foreclosure action by anyone claiming an interest in the Defendants's mortgage and promissory note.
28. On April 29, 2009, with my client's permission, I sent an email to Litton Loan Servicing, LP, the current mortgage servicer, explaining:

I am Francisco Brena's attorney. I am of counsel to the law firm of James F. Villere, Jr., Esq. in Metuchen, N.J. Mr. Brena has authorized me to contact you through the Litton Loan Servicing LP website about modifying his loan. I have twice called and left detailed messages for Michelle Garrick (ph) with Litton Foreclosure Department Management at 800-247-9727 X5652 along with my cell phone number - - 646-284-7704 - - but no one has returned by calls.

Until recently, the matter had been in litigation, but the law firm bringing the foreclosure action took a voluntary dismissal. Presently, no foreclosure litigation is pending.

Please have someone with managerial authority contact me at the above email address to discuss a modification of the loan.

Thank you,

Mark J. Malone, Esq.

Attorney for Francisco Brena

29. On April 29, 2009, I received the following email response to my April 29, 2009 email to Litton Loan Servicing, LP:

Dear Francisco Brena:

Thank you for your recent inquiry regarding your mortgage loan. You are a valued customer and we hope to assist you as soon as possible. Please allow 60 business days for a Customer Service Specialist to properly research and respond to your inquiry. It is important that you continue making your monthly payments according to your loan agreement.

We appreciate your consideration in this matter. If we can be of further assistance, please contact our Customer Service Department at 1-800-247-9727.

Sincerely,
Litton Loan Servicing LP

30. On May 1, 2009, I received a second email from Litton Loan Servicing, LP:

The response to your inquiry is:

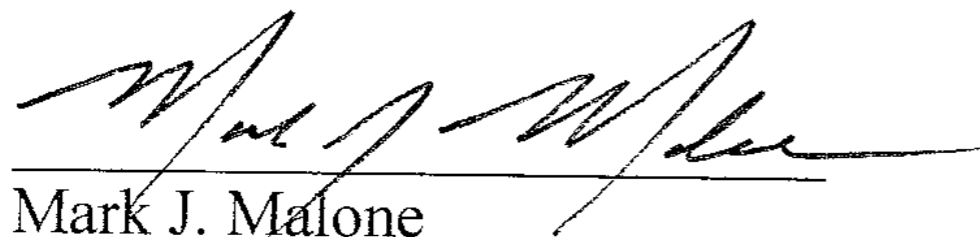
We understand you have had a difficult time reaching a representative. As of the date of this response, the loan is not reflecting a foreclosure status. We have forwarded your inquiry to the appropriate department. One of our default loan counselors will contact you within the next 48 hours.

Should you have any additional questions, please do not hesitate to contact our office. You may call our Customer Service Department at 800-247-9727 or the Default Counseling area at 800-999-8501. If you wish to respond via email, please access our website at <http://www.LittonLoan.com> and forward a new inquiry through the 'Contact Us' page.

Sincerely,
Litton Loan Servicing LP

31. Since May 1, 2009, I have received no further communications from Litton Loan Servicing, LP.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



Mark J. Malone
Of Counsel
Law Office of James F. Villere', Jr.
Counsel for Defendants

Dated: May 22, 2009

EXHIBIT A

Mark J. Malone, Esq.
Attorney-at-Law

Via First Class Mail/Return Receipt Requested

September 26, 2008

Michael Milstead, Esq.
Milstead & Associates, LLC
Woodland Falls Corporate Park
220 Lake Drive East, Suite 301
Cherry Hill, New Jersey 08002

Re: The Bank of New York as Trustee for Equity One Inc. Mortgage/Pass Through Certificate Series #2006-A vs. Francisco Brena, et al., Docket No. F-27578-08

Dear Mr. Milstead:

I represent the Defendants in the above foreclosure matter. Based upon my review of the complaint, and an examination of public documents and databases, the complaint is frivolous in that it was either commenced in bad faith or your client knew, or should have known, that the complaint is without any reasonable basis in law or equity.

Therefore this letter is a demand that the complaint be withdrawn. You are on notice that an application for sanctions will be made after a final judgment is entered if the complaint is not withdrawn within 28 days of service of this letter.

Under New Jersey Court Rule 1:4-8, the signature of an attorney constitutes a certificate that the attorney has read the pleading and by signing, filing or advocating a pleading, an attorney certifies that to the best of his or her knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

- the pleading is not being presented for any improper purpose;
- the claims and other legal contentions are warranted by existing law;
- the factual allegations have evidentiary support.

As required by New Jersey Court Rule 1:4-8 and as authorized by N.J.S.A. 2A:15-59.1, this letter is a written notice that the above-captioned foreclosure complaint is believed to violate the provisions of R. 1:4-8 and the statute. The reasons for this notice letter are:

1. The re-recorded mortgage recited in the complaint is a fraudulent document.

(a) A side-by-side comparison of the recorded and re-recorded mortgage documents shows that the basis for calculating changes in the mortgage note interest rate on the Adjustable Rate Rider to the re-recorded Mortgage has been fraudulently increased.

(b) A side-by-side comparison of the recorded and re-recorded mortgage documents shows that the notary's statement is false. Defendants did not personally appear before her on August 10, 2006, subscribe to the re-recorded mortgage instrument, and acknowledge they executed the same.

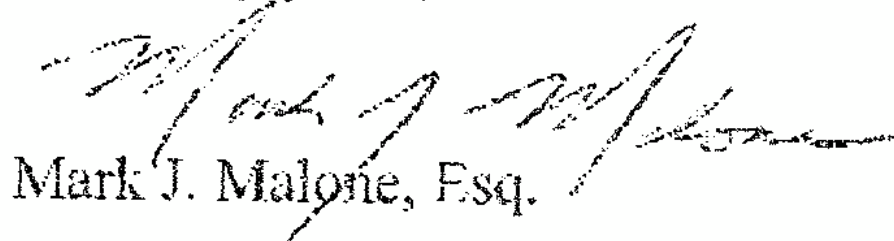
2. The mortgage assignment recited in the complaint is bogus. It purports to assign to Plaintiff both the mortgage and mortgage note that are the subject matter of this lawsuit. The assignee, Mortgage Electronic Registration Systems, Inc., has never been in possession of the mortgage note it claims to have assigned.

3. Plaintiff does not have standing to prosecute this complaint because it is not a holder in due course of the mortgage note that is the subject of this foreclosure action.

4. Plaintiff "The Bank of New York as Trustee for Equity One Inc. Mortgage/Pass Through Certificate Series #2006-A" does not have standing to prosecute this complaint because it is not a bona fide trustee for the mortgage-backed securities identified in the complaint's caption. In connection with the defective trustee status, we note that the mortgage and mortgage note cited in the complaint are not held by the trust named in the complaint.

5. Plaintiff does not have standing to prosecute this complaint because it is not authorized to do business in the State of New Jersey. In connection with the lack of standing, we note that the "principal place of business" listed in the complaint is not a bona fide address for Plaintiff.

Very truly yours,


Mark J. Malone, Esq.

cc: Francisco Brena and Freya Gallegos

EXHIBIT B

JAMES F. VILLERÉ JR. (JFV)
ATTORNEY AT LAW

MARK J. MALONE (MJM)
ATTORNEY AT LAW, OF COUNSEL

STATEMENT OF SERVICES AND FEES - LSNJ Predatory Lending Project

Brena adv. Bank of New York as Trustee - Foreclosure

08.22.2008	mjm	Telephone conference with M. Caroselli, Esq., LSNJ - re Brena case, review case memo from M. Caroselli, Esq., LSNJ - re Brena case	0.50
08.23.2008	jfv	Telephone conference with MJM re new case, review file	2.00
08.23.2008	mjm	partial review Brena real estate closing file documents, telephone conference with JFV re Brena case	1.50

08.25.2008	mjm	Telephone conference with M. Caroselli, Esq., LSNJ re: stipulation extending time to answer complaint; review complaint, including Notice Required by the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1601 et seq.; Telephone conference with James F. Villeré Jr., Esq. re: applicability of Fair Debt Collection Practices Act, 15 U.S.C. §§ 1601 et seq.; legal research re: Notice required by the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1601 et seq. applicability of Fair Debt Collection Practices Act, 15 U.S.C. §§ 1601 et seq.	1.30
08.25.2008	jfv	Telephone conference with MJM	1.00
08.26.2008	mjm	prepare stipulation extending time to answer and correspondence to plaintiff's counsel; prepare correspondence to Clerk, Superior Court re waiver of filing fees; telephone conference with JFV re: stipulation; telephone conference with client F. Brena re: case	0.70
08.26.2008	jfv	Telephone conference with MJM	0.30
08.30.2008	mjm	Review all Brena documents received from LSNJ; conference with JFV	2.50
08.30.2008	jfv	conference with MJM	0.50
09.02.2008	jfv	Telephone conference with MJM	0.50

09.02.2008	mjm	t/c JFV re document research and discovery; legal research - Consumer Fraud Act; t/c Maura Caroselli, Esq. LSNJ re; discovery & client meeting	4.50
09.03.2008	jfv	Research mortgage/pass through certificates;; telephone conference with Bonnie at Milstead's office re stip,	2.50
09.04.2008	mjm	database research re: Bank of New York as Trustee for Equity One Inc. Mortgage/Pass through Certificate Series #2006-A; factual research collateralized debt obligations & mortgage backed securities; mortgage securitization process and structure; legal research - False Claims Act, Truth in Lending Act	8.40
09.08.2008	jfv	Consultation with MJM & RM; Meeting with client at LSNJ	3.5
09.08.2008	mjm	annotate client documents; prepare for client interview; meeting with JFV re client interview, discovery, litigation strategy; meeting with R. Schore, Esq. - LSNJ Anti-Predatory Lending Project staff attorney; meeting with client - interview with LSNJ interpreter present; travel to LSNJ offices	7.50
09.09.2008	jfv	research re standing with EDGAR and New Jersey Business Gateway	3.50

09.09.2008	mjm	legal research – standing, abuse of process, holder in due course status for mortgage note; prepare correspondence to M. Jurow, LSNJ Anti-Predatory Lending Project senior attorney; telephone conference with M. Jurow, LSNJ Anti-Predatory Lending Project senior attorney	6.10
09.10.2008	jfv	Consultation with MJM re pleadings, etc., research on assignments; search for recorded documents; examination of recorded documents and closing package documents	4.00
09.10.2008	mjm	telephone conference with JFV re litigation strategy, motion to dismiss, standing issues, motion for sanctions for frivolous litigation, drafting 28-day letter pursuant to R. 1:4-8; title search, chain of title; prepare correspondence JFV re Brena title insurance policy, digest published 4-10-08 Schuessler bankruptcy court opinion re: sanctions for abuse of process, JPMorgan Chase Bank; prepare correspondence JFV re frivolous litigation sanctions; search SEC EDGAR database for Popular ABS, Inc. Mortgage Pass-Through Certificates, Series 2006-A documents including Pooling & Servicing Agreement, prospectus, and annual report; review assignment of mortgage from MERS to Bank of New York and altered mortgage documents sent by JFV; telephone conference with JFV re MERS assignement & altered mortgage documents	7.20

09.11.2008	mjm	telephone conference with JFV re litigation strategy; motion to dismiss, discovery and evidentiary hearing; negotiable instruments and UCC requirements; mortgages, assignments and recording requirements; SEC conveyance rules for asset backed securities; mortgage/pass through certificate series 2006-A conveyance rules for notes and mortgages; standing issues, fraud on the court issues and research; generate to do list and assign tasks; start to review and annotate Popular ABS, Inc. Mortgage Pass-Through Certificates, Series 2006-A "Pooling and Servicing Agreement" dated 1-1-2006, including schedules and exhibits; review N.J. Notary Manual re requirements for acknowledgment of real estate documents; draft discovery requests of notary public in connection with contemplated motion to dismiss complaint	6.20
09.11.2008	jfv	Consultation with MJM re pleadings, etc.	4.20
09.12.2008	jfv	Research re MERS; "nominee"; common law and business trusts; frivolous litigation; subscribe Middlesex County Clerk site; draft frivolous litigation and pre-suit letters, telephone conference with MJM	8.7

09.12.2008

mjm

continue to review and annotate Popular ABS, Inc. Mortgage Pass-Through Certificates, Series 2006-A "Pooling and Servicing Agreement" dated 1-1-2006, including schedules and exhibits; telephone conference with JFV re litigation strategy; motion to dismiss; sanctions for fraud on court in connection with fraudulent mortgage documents including false notary public acknowledgment; defective affidavit assigning mortgage from Mortgage Electronic Recording System ("MERS") to Bank of New York, Trustee; preparation of discovery requests relating to assignor of mortgage note - Doug Battin, "VP of Default," MERS; preparation of discovery requests relating MERS; MERS lack of status as holder in due course and lack of capacity to assign mortgage note given UCC requirements for negotiable instruments; research MERS website and numerous documents and manuals relating to MERS electronic documents; compile information about MERS eRegistry system available on MERS website

10.20

09.13.2008	mjm	continue to review and annotate Popular ABS, Inc. Mortgage Pass-Through Certificates, Series 2006-A "Pooling and Servicing Agreement" dated 1-1-2006, including schedules and exhibits; review mortgage documents recorded by Middlesex County Clerk's Office; undertake detailed comparison of signatures, initials and notary entries on documents produced by client, documents produced by Popular Mortgage Servicing in response to Qualified Written Request, and documents recorded with County Clerk for evidence of alteration and falsification of documents; telephone conference with JFV re litigation strategy; motion to dismiss; sanctions for frivolous litigation and fraud on court; Bloomberg Terminal research at NYCLA Library re Popular ABS, Inc. Mortgage Pass-Through Certificates, Series 2006-A	4.10
09.13.2008	jfv	Telephone conference with MJM	1.00
09.14.2008	jfv	Research& review materials re Electronic discovery	1.00

09.15.2008	mjm	continue to review and annotate Popular ABS, Inc. Mortgage Pass-Through Certificates, Series 2006-A "Pooling and Servicing Agreement" dated 1-1-2006, including schedules and exhibits; review other SEC filings for Popular ABS, Inc. Mortgage Pass-Through Certificates, Series 2006-A - - Master Agreement and Underwriting Agreement: preparation for meeting with client; meeting with JFV re preparation for client interview, litigation strategy; meeting with client & interpreter; review new client documents, review adjustable rate mortgage riders filed with Middlesex County Clerk	8.50
09.15.2008	jfv	Research re trusts & fiduciaries, preparation for and interview client with interpreter	6.00
09.16.2008	mjm	document review and analysis of client, PMS, Inc. and Middlesex County Clerk's Office documents, update document chronology; legal research foreclosure, standing of trusts and foreign corporations; review correspondence M. Jurow, Esq. re standing; prepare correspondence JFV re standing; telephone conference with JFV - interpreter re next client interview; telephone conference with client; telephone conference with JFV	6.20
09.16.2008	jfv	Research re false acknowledgments and jurats, telephone conference with MJM	2.00

09.17.2008	mjm	continued document review and analysis of client, PMS, Inc. and Middlesex County Clerk's Office documents, update document chronology; draft R 1: 4-8 certification in support of Motion to Dismiss; telephone conference with JFV re financial research on standing	3.50
09.17.2008	jfv	Telephone conference with MJM re case	1.00
09.18.2008	mjm	review correspondence M. Jurow, Esq. re LSNJ standing materials; legal research standing in mortgage foreclosure cases, holder in due course; legal research – MERS status as nominee for lender; continued document review and analysis of client, PMS, Inc. and Middlesex County Clerk's Office documents, update document chronology; continue drafting R 1: 4-8 certification in support of Motion to Dismiss; prepare correspondence JFV re legal research on standing; telephone conference with JFV re MERS assignment of mortgage, fraudulent mortgage documents, and standing issues; prepare correspondence JFV re: signature of MERS V.P. for Default Doug Battin; telephone conference with M. Jurow, LSNJ & JFV re MERS motion to dismiss on standing grounds, review of fraudulent mortgage documents	8.90
09.18.2008	jfv	Telephone conference with MJM re case;	0.50

09.19.2008	mjm	Continue drafting portion of R. 1:4-8 certification dealing with falsification of and tampering with official mortgage records; telephone conference with JFV re: web searches of MERS and ABS Popular, Inc. websites; Bloomberg terminal research re: mortgage securitization, Mortgage Pass/Through Certificates Series 2006-A; review correspondence JFV re: legal research on forgery, tampering with official records; falsification of records	5.80
09.19.2008	jfv	Telephone conference with MJM re case	2.00
09.20.2008	mjm	Review and annotate Article III of Pooling & Servicing Agreement;	1.70
09.22.2008	mjm	Review and annotate Article IV of Pooling & Servicing Agreement; Document review and analysis, update chronology; prepare for meeting with client; meeting with JFV – discussion litigation strategies, legal issues, factual investigation, motion to dismiss; meeting with client and interpreter.	8.50
09.22.2008	jfv	meeting with MJM – discussion litigation strategies, legal issues, factual investigation, motion to dismiss; meeting with client and interpreter.	4.50

09.24.2008	mjm	telephone conference with M. Jurow, Esq. & JFV re motion to dismiss; telephone conference with JFV – motion to dismiss, brief, certification in support; edit draft of frivolous litigation letter to adversary; legal research re sanctions for frivolous litigation; continue review of SEC documents and locate Brena loan in Popular ABS Mortgage Pass-Through Certificate Series 2006-A filings	7.40
09.24.2008	jfv	Telephone conference with MJM re case;	1.60
09.25.2008	mjm	Research SEC filings for change of trustee from JPMorgan Chase to Bank of New York; update chronology with SEC filings information; telephone conference with JFV re Brena mortgage and note as part of Popular ABS Mortgage Pass-Through Certificates Series 2006-A Trust, review of Brena mortgage, mortgage note, and adjustable rate rider to mortgage, litigation strategy, motion to dismiss, frivolous litigation letter, review frivolous litigation statute and court rule	6.60
09.25.2008	jfv	Telephone conference with MJM re case; research re bank's standing as entity to bring lawsuit	6.50

09.26.2008	mjm	Revise frivolous litigation letter; prepare correspondence JFV re frivolous litigation letter; telephone conference with M. Jurow, Esq., LSNJ; telephone conference with JFV re review frivolous litigation letter, motion to dismiss, preparation of certification in support of motion to dismiss, research and writing assignments, legal status of "Popular ABS Mortgage Pass-Through Certificates Series 2006-A Trust" as an SEC issuing entity and charter creating issuing entity; prepare correspondence M. Milstead, Esq. re: frivolous litigation letter; draft part of certification in support of motion to dismiss dealing with recorded mortgage documents and mortgage and note assignment	4.80
09.26.2008	jfv	Telephone conference with MJM re case; frivolous litigation letter	2.00
09.27.2008	mjm	Research "Popular ABS Mortgage Pass-Through Certificates Series" files, including registration documents, affiliate filings as an SEC issuing entity, and charter creating issuing entity; draft part of certification in support of motion to dismiss dealing with recorded mortgage documents and mortgage and note assignment; legal research – legal antecedents of explosion in subprime mortgage lending and securitization	5.00

09.29.2008	mjm	Research Popular ABS Mortgage Pass-Through Certificates Series 2006-A Trust” SEC filings – Brena loan; telephone conference with JFV re analysis of initial “bait” loan documents prepared in Elizabeth, New Jersey and fraudulent “switch” documents prepared in Horsham, Pennsylvania and SEC filing including Brena loan; update chronology; continue to draft part of certification in support of motion to dismiss dealing with recorded mortgage documents and mortgage and note assignment	9.10
09.29.2008	jfv	Telephone conference with MJM re case; draft letter brief, Notice of Motion, cover letter	8.30
09.30.2008	mjm	Continue to draft part of certification in support of motion to dismiss dealing with recorded mortgage documents and mortgage and note assignment, revise and edit same, telephone conference with JFV re production of fraudulent “switch” documents in Horsham, Pennsylvania, potential investigative steps, enterprise fraud; standing issues and research	3.70
09.30.2008	jfv	Telephone conference with MJM	1.50

10.01.2008	mjm	Continue to draft part of certification in support of motion to dismiss dealing with recorded mortgage documents and mortgage and note assignment, revise and edit same, telephone conference with JFV re completion of certification, brief in support of motion to dismiss & exhibits; review correspondence M. Jurow, Esq. re motion to dismiss on standing grounds; telephone conference with JFV re brief on standing issues; draft notice of motion to dismiss, proposed order and cover letter to clerk; telephone conference with JFV re investigation into status of Bank of New York Trustee	9.00
10.01.2008	jfv	Two telephone conferences with MJM	0.30
10.02.2008	mjm	Continue to draft, edit and proofread certification in support of motion to dismiss, preparation of exhibits; telephone conference with JFV re preparation of moving papers, litigation strategy, investigation of predatory lending enterprise, structure of predatory lending enterprise; telephone conference with JFV – review draft certification, review complaint, review HUD-1; legal research – notice of foreclosure requirements; telephone conference with client; legal research – New Jersey recordation requirements	7.40
10.02.2008	jfv	Telephone conference with MJM	1.60

10.03.2008	mjm	Continue to draft, edit and proofread certification in support of motion to dismiss, preparation of exhibits; telephone conference with JFV re preparation of moving papers, draft letter memorandum in support of motion to dismiss; telephone conference with client; legal research – foreclosure notice requirements;	5.20
10.03.2008	jfv	Telephone conference with MJM	1.00
10.04.2008	mjm	Legal research re predatory lending; legal research – mortgage securitization and transferability of mortgage notes; database research re MERS and Bank of New York Trustee; continue to draft, edit and proofread certification in support of motion to dismiss re standing issues, preparation of exhibits; review draft JFV brief; prepare correspondence JFV re draft brief, draft certification	7.20
10.05.2008	mjm	Continue to draft, edit and proofread certification in support of motion to dismiss re standing issues, preparation of exhibits; database research re MERS and Bank of New York Trustee; prepare correspondence JFV; telephone conference with JFV; draft portion of letter brief	8.50
10.05.2008	jfv	Telephone conference with MJM; review correspondence from MJM	1.50
10.06.2008	mjm	Finalize certification in support of motion to dismiss re standing issues, preparation of exhibits; draft and edit portions of letter brief; finalize letter brief	8.80

10.09.2008	mjm	telephone conference with JFV re UCC filings and SEC filings and online analysis of documents; Popular ABS Mortgage Pass-Through Trust 2006-A	9.00
10.09.2008	jfv	Telephone conference with MJM re case; SEC filings; UCC filings; online analysis of docs; trust Popular ABS Mortgage	9.00
10.10.2008	mjm	telephone conference with JFV re nature and name of asset-backed securities trust; review SEC filings; prepare correspondence JFV re nature and name of asset-backed securities trust; telephone conference with N. Courtney, Esq. re New York common law trusts; Bloomberg database research re nature and name of asset-backed securities trust, trust collateral, collateral performance; prepare correspondence JFV re Bloomberg database research;	8.50
10.10.2008	jfv	Telephone conference with MJM	1.10
10.11.2008	mjm	review and analyze Bloomberg database research results; telephone conference with JFV re Bloomberg database research; review prospectus, supplemental prospectus and confidential private offering memorandum	4.80
10.11.2008	jfv	Telephone conference with MJM	1.30

10.13.2008	mjm	telephone conference with JFV review and analyze Bloomberg database research results; review mortgage note document and related correspondence from loan servicer; review prospectus, supplemental prospectus and confidential private offering memorandum; update chronology	9.50
10.13.2008	jfv	Three telephone conferences with MJM	6.00
10.14.2008	mjm	review and analysis of loan schedule in 1-19-06 Free Writing Prospectus filed with SEC for Popular ABS Mortgage Pass-Through Trust 2006-A, identify New Jersey loans; telephone conferences with JFV – review New Jersey loans for Popular ABS Mortgage Pass-Through Trust 2006-A, discuss investigation protocol for reviewing other potential predatory loans and fraudulent practices	5.90
10.14.2008	jfv	Two telephone conferences with MJM	3.40
10.15.2008	mjm	prepare correspondence Michael Milstead, Esq. demanding copy of Notice of Foreclosure; legal research standing and sanctions for frivolous litigation; telephone conference with JFV re correspondence to M. Milstead, Esq.; prepare correspondence Bonnie Kapule, paralegal to Nelson Diaz, Esq. re request for adjournment of return date motion to dismiss, telephone conference with JFV re same; prepare memo to file re Kapule conversation	1.10

10.15.2008	jfv	Telephone conference with MJM	0.80
10.16.2008	mjm	review correspondence N. Diaz, Esq. re request for adjournment	0.10
10.17.2008	mjm	prepare correspondence N. Diaz, Esq. re request for adjournment, file review, telephone conferences with JFV; review Popular ABS Inc. SEC filings & update chronology	0.70
10.17.2008	jfv	Three telephone conferences with MJM re SEC filings	0.90
10.20.2008	mjm	telephone conferences with JFV re SEC documents, Pooling & Servicing Agreements; Real Estate Mortgage Investment Conduit ("REMIC" status of 2006-A Trust), mortgage note as a negotiable instrument endorsed to the Trust, Popular Mortgage Servicing, Inc.; update chronology	3.20
10.20.2008	jfv	Three telephone conferences with MJM	3.20
10.31.2008	mjm	review N. Diaz, Esq. answering brief and certification; telephone conferences with JFV	1.50
10.31.2008	jfv	Two telephone conferences with MJM	1.50
11.01.2008	mjm	File review; draft portion of reply brief; legal research – standing, holder in due course; telephone conference with JFV; prepare correspondence JFV	6.70
11.01.2008	jfv	Telephone conference with MJM	0.90
11.02.2008	mjm	continue drafting and editing reply brief; prepare correspondence JFV; telephone conference with JFV	3.20

11.02.2008	jfv	Telephone conference with MJM	0.50
11.03.2008	mjm	legal research; edit and finalize reply brief; prepare reply certification in support of motion to dismiss; telephone conference with JFV; prepare correspondence to Court & adversary	4.00
11.03.2008	jfv	Telephone conference with MJM	0.30
11.08.2008	mjm	telephone conference with JFV & M. Jurow, Esq. LSNJ – re answer and counterclaims; telephone conference with JFV re answer and counterclaims, analysis of loan documents – deficiencies in absence of 11-17-05 closing date Equity One Good Faith Estimate, multiple Equity One TILAs, 33% increase in monthly payments following variable rate loan reset date of 12-1-07; review loan documents from client and from PMS; update chronology; telephone conference with client	3.50
11.08.2008	jfv	Telephone conference with MJM & M. Jurow; telephone conference with MJM	1.00
11.18.2008	jfv	Telephone conference with MJM	2.00

11.18.2008	mjm	11-18-08 review loan documents, legal research re: answers, defenses, damages & counterclaims - - N.J. Fair Foreclosure Act notice requirements, New Jersey Home Ownership Security Act of 2002 ("Predatory Lending Law"), N.J.S.A. 46:10B-22et seq., telephone conference with D. McMillin, Esq., LSNJ, re: application of New Jersey Home Ownership Security Act, prepare file memo; telephone conference with JFV	2.40
11.22.2008	jfv	Research at Bank of NY website	1.00
12.15.2008	mjm	prepare correspondence clients re counseling and court-ordered mediation, telephone conference with client FB re same; file review and selection of documents to present to loan counselor and mediator as part of court-ordered mediation; legal research re standing of foreign corporation to bring lawsuit; prepare correspondence New Jersey Department of Treasury re Annual Business Activities Reports filed by Plaintiff.	6.80
12.16.2008	mjm	legal research re New Jersey Homeownership Security Act ("HOSA") and remedies for violation; legal research Truth-in Lending Act; start to draft memo for submission to mediator pursuant to court-ordered mediation	10.00

12.18.2008	mjm	preparation for meeting with H. Gorman, loan counselor; meeting with H. Gorman and client at Puerto Rican Action Board, New Brunswick, New Jersey re court-ordered foreclosure mediation counseling	2.70
12.31.2008	mjm	review correspondence N. Diaz, Esq. re letter brief in response to Judge Berman's November 21, 2008 Order directing submission of supplemental opposition to Defendants' motion to dismiss.	0.10
01.02.2009	mjm	document review and analysis re Litton Loan Servicing response to Qualified Written Request; update chronology; telephone conference with JFV; file review in preparation for reply letter brief to N. Diaz, Esq. 12-30-08 letter brief in response to Judge Berman's November Order	3.40
01.02.2008	jfv	Telephone conference with MJM	0.30
01.03.09	mjm	draft procedural history and statement of facts for reply letter brief to N. Diaz, Esq. 12-30-08 letter brief;	5.30
01.04.09	mjm	File review, draft certification for reply letter brief, continue drafting reply letter brief to N. Diaz, Esq. 12-30-08 letter brief; legal research re trusts; factual research re securitized trust holding client's promissory mortgage note;	11.9
01.05.09	mjm	complete certification for reply letter brief; finish reply letter brief to N. Diaz, Esq. 12-30-08 letter brief; prepare exhibits to certification; p/c A. Cha, Esq. and counsel;	3.10

01.08.2009	jfv	Telephone conference with MJM re prep for argument	2.00
01.08.09	mjm	preparation for oral argument on motion to dismiss complaint, file review; prepare oral argument; t/c JFV	4.00
01.09.09	mjm	continued preparation for oral argument; oral argument on motion to dismiss complaint;	1.60
01.15.09	mjm	review Judge Berman's 1-12-09 Order denying motion to dismiss complaint without prejudice	0.10
01.20.2009	jfv	Two telephone conferences with Annie Cha, Esq. re the teleconference including arranging for a record to be made and proposed form of amended order; preparation of Consent Order	1.00
01.21.09	mjm	t/c JFV re preparation of answer, counterclaim, defenses	0.50
01.21.2009	jfv	Preparation of answer, counterclaim, defenses; Telephone conference with MJM re above	3.00
01.22.2009		[N. Diaz, Esq. files voluntary motion to dismiss foreclosure complaint]	
		TOTAL HOURS	
		MJM - 300.1	
		JFV - 112.2	
		Fees:	
		MJM - 300.1 hours at \$300 per hour	\$90,030
		JFV - 112.2 hours at \$250 per hour	\$28,050
		TOTAL FEES FOR SERVICES	\$118,080