



LEGAL SERVICES, INC.

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How Large Foreclosure Firms  
Subvert State Regulations  
Protecting Homeowners

July 2011  
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## How Large Foreclosure Firms Subvert State Regulations Protecting Homeowners

### MFY Legal Services, Inc. Foreclosure Prevention Project July 2011

MFY Legal Services, Inc.'s Foreclosure Prevention Project provides free legal advice, counsel and representation to homeowners in Queens and Staten Island facing foreclosure. MFY assists homeowners to answer foreclosure lawsuit summons and complaints, represents homeowners during court-mandated settlement conferences, files and argues motions to dismiss foreclosure lawsuits, assists with loan modification applications once the foreclosure process has started, and advises tenants whose landlords are in foreclosure about their rights under new State and Federal regulations. For further information, go to [www.mfy.org](http://www.mfy.org) or contact:

#### **MFY Legal Services, Inc. Foreclosure Prevention Project**

299 Broadway, New York, NY 10007 212-417-3700

Elise Brown ([ebrown@mfy.org](mailto:ebrown@mfy.org))

Adam Cohen ([acohen@mfy.org](mailto:acohen@mfy.org))

Elizabeth Lynch ([elynch@mfy.org](mailto:elynch@mfy.org))

*MFY's Foreclosure Prevention Project receives generous support from the New York State Division of Housing & Community Renewal (DHCR), Patterson Belknap Webb & Tyler, LLP, and the New York State Interest on Lawyers' Accounts Fund (IOLA).*

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## Summary of Findings and Recommendations

Much has been made of the length of time an average foreclosure action takes in New York State courts. Blame is frequently placed squarely on the borrowers' shoulders. Ignored are the poor practices and procedures of the mortgage servicing companies. Completely devoid from the narrative are the dilatory tactics of the foreclosure law firms.

As the present study graphically demonstrates, it is the law firms that handle foreclosures in bulk which have caused the current backlog of foreclosure cases in New York State courts. Since November 2010, these law firms have virtually stopped filing all the paperwork necessary to move foreclosure actions forward. Instead, most foreclosure actions languish in a limbo-state between the time the foreclosure complaint is filed and the scheduling of a mandatory settlement conference. This practice results in homeowners being unable to participate in conferences that afford delinquent homeowners the best opportunity to negotiate loan modifications or to achieve other loss mitigation solutions. In addition, this practice results in unnecessary accrual of fees and interest, adding to the borrowers' debt. More importantly, this practice prevents distressed homeowners from gaining access to counseling as to their legal rights and financial alternatives.

MFY Legal Services, Inc. (MFY) reviewed available data on residential foreclosure actions filed in Brooklyn and Queens in November 2010 and March 2011.<sup>1</sup> Troubling trends emerge:

- Just four foreclosure law firms filed 922 residential foreclosure actions in these two months, comprising 57% of all filings.
- In 805 of those 922 filed foreclosure actions – or 87% of all actions – the foreclosure law firms have yet to file the Request for Judicial Intervention (“RJI”) that moves foreclosure actions into settlement conferences.
  - Of particular note, for the 393 foreclosure actions filed in November 2010, as of June 17, 2011 – *more than seven months after the original filings* – 82% of all the filings continue to sit in a limbo state.

Starting on October 20, 2010 and as a response to the nationwide “robo-signing” scandal, the New York State Court System required that all foreclosure law firms attest to the accuracy of every foreclosure summons and complaint (the “Due Diligence Affirmation”). However, while foreclosure law firms continue to file summons and complaints at approximately the same rate they did prior to the robo-signing phenomenon, they do not file RJIs because this would require them to also file the Due Diligence Affirmation with the RJI. It is the filing of the RJI in a residential foreclosure action that triggers the full protections of the settlement conference,

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<sup>1</sup> See Appendix A for the methodology used in analyzing the data.

affording judicial oversight of the mortgage modification process, providing housing counseling services and leveling the playing field between homeowner and the mortgage servicing company.

As a comparison, MFY reviewed available data on residential foreclosures filed in Brooklyn and Queens *prior* to the requirement to file Due Diligence Affirmation. For actions filed in March 2010, RJIs were filed within two months of the filing of the summons and complaint in 50% of those actions; within seven months of the filing of the summons and complaint, RJIs had been filed in more than 70% of those actions. In contrast, for actions filed in November 2010 RJIs had been filed in only 16% of the actions at the seven-month mark after the filing of the summons and complaint.

By not filing the RJIs and denying homeowners access to the full protections of the settlement conference process, the foreclosure law firms undermine the New York State Legislature's intention in creating the settlement conferences in the first place: to negotiate loan modifications early in the process in order to avoid unnecessary foreclosures and further economic hardship. Not every home can be saved from foreclosure, but the New York State Legislature sought to guarantee that those that can be, be saved quickly.

Additionally, unnecessary late fees, delinquent interest, and other foreclosure-related fees are imposed as homeowners sit in a limbo-like state, unable to seek the protections of the courts during the mortgage modification process. Not only does the homeowner have to eventually pay these fees that have accrued as a result of the foreclosure law firms' behavior, but the increase in the arrears makes it more difficult for homeowners to obtain modifications. As the actions are delayed for seven or more months as they now are, a homeowner's arrears become too large to capitalize into a new, modified mortgage with affordable monthly payments.

It cannot be ignored that the foreclosure law firms' behavior will wreak havoc on an already vulnerable court system. At some point, the foreclosure law firms will file the RJIs in these cases, requiring the New York State Unified Court System (UCS) schedule thousands of settlement conferences at once. With recent layoffs and shrinking financial resources, the UCS is ill-equipped to handle this foreclosure Armageddon.

Based on our findings, MFY recommends that the New York State Unified Court System strengthen its oversight of foreclosure actions by implementing the following policies and practices:

- Schedule the current backlog of foreclosure cases for settlement conferences in a timely fashion, with or without the filing of an RJI.
- Require that the Due Diligence Affirmation be filed at the same time as the summons and complaint.

- Require that all new residential foreclosure summons and complaints be filed with a coversheet identifying the action as such and listing the homeowner’s contact information.
- Require that county clerks submit the coversheet to the Office of Court Administration so settlement conferences can be scheduled within 60 days of the filing of the summons and complaint.
- Mandate that the court provide the coversheet to local housing counseling agencies.
- Require that at the initial settlement conference, if the foreclosure law firm has not yet filed an RJI with the Due Diligence Affirmation, it do so prior to the second settlement conference upon pain of automatic dismissal.

## I. The Origins of New York City’s Foreclosure Crisis

Starting in 2007, New York City saw an explosion in the number of foreclosure filings on one-to-four family, owner-occupied homes,<sup>2</sup> making New York City a part of the economic and housing market meltdown that was spreading across the country. Unfortunately, 2007 proved only the beginning of the foreclosure crisis. Every year since 2007, New York City has reported record number of foreclosure filings:<sup>3</sup>

Year	Number of Filings in NYC	% Change from 2007
2007	14,458	----
2008	14,802	+ 2.3%
2009	20,102	+ 39%
2010	16,911	+ 17%

Particularly hard-hit in the crisis have been the outer boroughs of New York City, which contain a disproportionate amount of the City’s residential housing stock and proved to be a breeding ground for subprime lenders who targeted poor and minority communities in the mid-2000s.<sup>4</sup> Currently, Brooklyn and Queens account for 78% of all foreclosures in New York City.<sup>5</sup>

<sup>2</sup> Throughout this paper, the use of the term “residential foreclosure” or “foreclosure” refers to a foreclosure filed on a one-to-four family, owner-occupied home.

<sup>3</sup> Sarah Gereck, N.Y.U. FURMAN CTR. FOR REAL ESTATE & URBAN POL., THE RESIDENTIAL FORECLOSURE CRISIS: WHERE DO WE GO FROM HERE 4 (Mar. 29, 2011), [http://furmancenter.org/files/testimonies/Gerecke\\_ABCNY\\_032811.pdf](http://furmancenter.org/files/testimonies/Gerecke_ABCNY_032811.pdf).

<sup>4</sup> *Paying More for the American Dream: The Subprime Shakeout and Its Impact on Low-Income and Minority Communities*, March 2008, at 6-7, at <http://www.nedap.org/resources/documents/MultistateHMDARReport-Final21.pdf>.

Unfortunately, the foreclosure crisis shows no signs of ebbing, and foreclosure filings are expected to remain at a crisis-level high. As the United States' economy continues its downward slump, unemployment remains stubbornly high, and hours are cut for those who remain employed, foreclosures will continue. What started out as a crisis in subprime mortgages has now spread to all mortgages, including traditional, fixed-rate mortgages.<sup>6</sup> Today, the determining factor of whether a mortgage loan will go into foreclosure is not the terms of the loan but rather the homeowner's employment status.<sup>7</sup>

## II. The Players in a New York City Foreclosure Action

### *The Courts*

Because New York State is a “judicial foreclosure state,” much of the burden of the foreclosure crisis has fallen on the New York State court system. In New York State, in order for an entity to foreclose on a home, a summons and complaint must be filed in the Supreme Court in the county where the property is located. Every foreclosure lawsuit filed in New York must be assigned to a judge and go through the judicial process. This is true for all 16,911 foreclosure actions filed in New York City in 2010.<sup>8</sup>

### *The Plaintiff*

As a result of the practice of securitization of most mortgages in the mid-2000s, the original lender is usually not the plaintiff in a foreclosure action.<sup>9</sup> The plaintiff is usually a bank-like entity, either the trustee of a residential mortgage backed security (RMBS) trust or the mortgage servicing company that “services” the mortgage on behalf of the trust. It is not

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<sup>5</sup> In the first quarter of 2011, 1,098 foreclosures were filed on one-to-four family homes in Brooklyn and 1,092 in Queens. The total number of foreclosures on one-to-four family homes city-wide was 2,788. Furman Center for Real Estate and Urban Policy, New York City Quarterly Housing Update – 2011: 1<sup>st</sup> Quarter (January-March), May 19, 2011, at [http://furmancenter.org/files/publications/Q1\\_2011\\_FINAL.pdf](http://furmancenter.org/files/publications/Q1_2011_FINAL.pdf).

<sup>6</sup> See Andrew Martin, *Foreclosure Aid for the Jobless is Falling Short*, N.Y. TIMES, June 4, 2011, at A1.

<sup>7</sup> The Federal Reserve Bank of New York's recent study supports such a negative outlook for New York City's foreclosure crisis. According the study, one in 10 mortgages in New York City are either in foreclosure or are “seriously delinquent” (defined as 90 or more days late on payment). For the Federal Reserve, as of June 2011, the foreclosure crisis in New York City still “remains a serious concern.” FEDERAL RESERVE BANK OF NEW YORK, REGIONAL MORTGAGE BRIEFS (June 27, 2011), [http://www.newyorkfed.org/newsevents/news/regional\\_outreach/2011/an110627.html](http://www.newyorkfed.org/newsevents/news/regional_outreach/2011/an110627.html).

<sup>8</sup> Gereck, *supra* note 3.

<sup>9</sup> Under New York law, the plaintiff in the foreclosure action must hold the note and own the mortgage at the time the foreclosure action is commenced. *Bank of New York v. Silverberg*, 2011 NY Slip Op 05002 (2d Dep't June 7, 2011).

uncommon to see a name like “HSBC Bank USA, N.A., as Indentured Trustee for the Registered Noteholders of Renaissance Home Equity Loan Trust 2007–2” as the plaintiff in a foreclosure action.<sup>10</sup> It is also not uncommon for the homeowner to have never heard of the owner of the mortgage until the foreclosure action is commenced.

Where the plaintiff is a real estate investment trust, it is the trust’s servicer – the entity that “services” the mortgage on behalf of the trust and acts as the trust’s agent – that initiates the foreclosure action, works directly with the plaintiff’s law firm, communicates with the homeowner, and negotiates mortgage modifications. The servicer is usually a subsidiary of a major national bank.<sup>11</sup> Additionally, the servicer is usually the sole point of contact for the foreclosure law firm, the court, and the homeowner.<sup>12</sup>

### *The Foreclosure Law Firms*

Foreclosure litigation is considered a legal specialty. As a result, in each state only a handful of law firms represent banks and servicers in foreclosure actions. In New York State, only four law firms represent banks and servicers in the majority of foreclosure actions: Steven J. Baum, P.C.; Fein, Such & Crane, P.C. (also known as Relin, Goldstein & Crane, LLP and Fein, Such Kahn & Shepard, P.C.) Shapiro DiCaro & Barak, LLP; and Rosicki, Rosicki & Associates P.C.

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<sup>10</sup> See, e.g., *HSBC Bank USA, N.A., as Indentured Trustee for the Registered Noteholders of Renaissance Home Equity Loan Trust 2007-2 v. Taher*, 2011 N.Y. Slip Op. 51208(U) (Sup. Ct. Kings Cty., July 1, 2011).

<sup>11</sup> For example, Chase Home Finance, LLC is the servicing arm of JPMorgan Chase Bank, N.A. See Kathleen Tillwitz, *Chase Home Finance, LLC – Issue Profile*, DBRS (June 18, 2008), <http://www.dbrs.com/research/220972/chase-home-finance-llc-issuer-profile.pdf>. BAC Home Loans Servicing LP was the servicing arm of Bank of America, N.A. until Bank of America, N.A. merged with BAC Home Loans. See Posting of Robert Doggett to ForeclosureBuzz, <http://foreclosurebuzz.org/2011/07/15/bac-home-loans-servicing-lp-sucked-up-by-bank-of-america/> (July 15, 2011).

America’s Servicing Company (ASC) is a servicing arm of Wells Fargo Home Mortgage. See Wells Fargo, America’s Servicing Company, <https://www.wellsfargo.com/mortgage/account/servicing>.

Although each servicer is owned by a major bank, that does not mean that a trust managed by the same bank would use its own servicer. For example, in the case of HSBC as Indenture Trustee for the Registered Noteholders of Renaissance Home Equity Loan Trust 2007–2, Ocwen Loan Servicing was the trust’s servicer. *Taher*, 2011 N.Y. Slip Op. 51208(U).

<sup>12</sup> Although the foreclosing plaintiff and the servicer are usually different corporate entities, for the purposes of this study, the terms “servicer,” “bank” and “plaintiff” will be used interchangeably.



A review of foreclosure filings in Brooklyn and Queens in November 2010 and March 2011 produced the following results:<sup>13</sup>

<b>Foreclosure Firm</b>	<b>November 2010 Filings</b>	<b>Percentage of All Nov. Filings (total = 393)</b>	<b>March 2011 Filings</b>	<b>Percentage of All March Filings (total = 529)</b>
Steven J. Baum	67	17.0%	92	17.4%
Fein, Such	64	16.3%	91	17.2%
Shapiro, DiCaro	51	13.0%	72	13.6%
Rosicki	19	4.8%	73	13.7%
<b>TOTAL</b>		<b>51.1%</b>		<b>61.9%</b>

The March 2010 foreclosure filings in Brooklyn and Queens reflected a more skewed filing pattern with Steven J. Baum, P.C. filing a third of all foreclosure actions:<sup>14</sup>

<b>Foreclosure Firm</b>	<b>March 2010 Filings</b>	<b>Percentage of All March Filings (total = 864)</b>
Steven J. Baum	289	33.4%
Fein, Such	122	14.1%
Shapiro, DiCaro	49	5.7%
Rosicki	113	13.1%
<b>TOTAL</b>		<b>66.3%</b>

Because only four law firms represent the banks and servicers in a majority of foreclosure actions, these foreclosure firms gain specialized knowledge and are repeat players before the courts, making a homeowner's lack of legal representation even more challenging.

### *The Defendant*

In a foreclosure action, it is the homeowner and any co-borrower to the mortgage who are the defendants. Prior to the current foreclosure crisis, when few foreclosures were filed in New York City,<sup>15</sup> homeowners rarely defended the foreclosure, and default judgments were entered in approximately 90% of cases.<sup>16</sup> Today, with a greater number of homeowners in foreclosure, the

<sup>13</sup> See Appendices B, C, D & E.

<sup>14</sup> A March 2010 comparison chart was not compiled. Instead, the docket sheets for all of these actions are on file with the author.

<sup>15</sup> In 2004, the housing bubble peak, the number of foreclosure filings in New York City was 6,860. Gereck, *supra* note 3.

<sup>16</sup> Ann Pfau, STATE OF N.Y. UNIFIED COURT SYSTEM, 2010 REPORT OF THE CHIEF ADMINISTRATOR OF THE COURTS PURSUANT TO CHAPTER 507 OF THE LAWS OF 2009 8 (Nov. 29, 2010), <http://www.nylj.com/nylawyer/adgifs/decisions/112910foreclosurereport.pdf>.

various mortgage modification programs, and the New York State Legislature’s response to the crisis, more homeowners are defending foreclosure actions. Currently, in only 20% of cases do homeowners *not* defend the action.<sup>17</sup>

Although more homeowners are defending their foreclosure actions, the vast majority do not retain counsel. In only 30% of foreclosures cases filed in New York City does the homeowner retain counsel; New York City’s rate is less than the statewide average where 37% of homeowners obtain counsel.<sup>18</sup>

### **III. New York State Legislature Seeks to Protect Homeowners by Mandating Settlement Conferences in Residential Foreclosure Actions**

#### *Court-Mandated Settlement Conferences Are Added to the Foreclosure Process*

In 2008, in response to the foreclosure crisis, the New York State Legislature amended the New York Civil Practice Law and Rules, adding Rule 3408 that created a mandatory, court-supervised settlement conference for all residential foreclosure actions.<sup>19</sup> To protect homeowners from unnecessary foreclosure and keep viable homeowners in their homes, the New York court system added a court-supervised settlement conference part<sup>20</sup> as a forum in which homeowners could negotiate mortgage modifications or other loss mitigation options directly with their servicers with court oversight.<sup>21</sup>

CPLR 3408 also requires that a “specialized” request for judicial intervention (“RJI”) list the homeowner’s name and contact information.<sup>22</sup> That specialized RJI not only informs the

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<sup>17</sup> *Id.*

<sup>18</sup> *Id.* at 11.

<sup>19</sup> At first, CPLR 3408 only applied to subprime, high cost or non-traditional home loans. In 2009, the Legislature amended CPLR Rule 3408 to apply to all mortgage loans on all owner-occupied, one-to-four family homes. As of February 2010, ***all*** residential foreclosures are covered by CPLR Rule 3408.

<sup>20</sup> “A part of court is a designated unit of the court in which specified business of the court is to be conducted by a judge or quasi-judicial officer. There shall be such parts of the court as may be authorized from time to time by the Chief Administrator of the Courts.” 22 N.Y.C.R.R. § 202.2(b).

<sup>21</sup> “While reaching a resolution during the pre-foreclosure time period is indeed preferred, that will not always occur. As a result, [the settlement conference] bill provides that if an action is commenced, the homeowner will receive a second opportunity to reach resolution with the lender early in the foreclosure process....” Sponsor’s Mem., Bill Jacket, L.2008, Ch. 472, July 8, 2008, <http://image.iarchives.nysed.gov/images/images/142344.pdf>

<sup>22</sup> CPLR 3408(d) (2010). Beginning September 1, 2011, the New York State Court System has amended this requirement so that the “specialized” RJI is comprised of two pieces of paper, a “traditional” RJI universal to all civil actions *and* a “foreclosure addendum.” The foreclosure addendum requests the settlement conference and also

court to move the action into a settlement conference part,<sup>23</sup> but is also provided to a local non-profit housing counseling agency, as required by CPLR 3408, so that the homeowner has an opportunity to “receive meaningful and appropriate counseling prior to the [settlement] conference.”<sup>24</sup>

Housing counseling agencies typically assist homeowners with the mortgage modification process and prepare homeowners for the settlement conference. Many New York City housing counseling agencies have relationships with the City’s various legal services attorneys. Thus, through the housing agency, homeowners are put in contact with free foreclosure defense attorneys. While every homeowner may not be provided representation at the settlement conference, at the very least, legal services attorneys provide homeowners with advice and information about the legal aspect of the foreclosure.

### *The Plaintiffs Must File a Specialized RJI Simultaneously with Proof of Service*

In order to effectuate CPLR 3408’s directives that homeowners negotiate with the servicer early in the foreclosure process and, where possible, avoid unnecessary foreclosure, the New York State Unified Court System (“UCS”) revised the Uniform Rules for the New York State Trial Courts (“Uniform Rules”) to add Section 202.12-a.<sup>25</sup>

To reduce the delay between the filing of a foreclosure summons and complaint and of the specialized RJI, Section 202.12-a(b)(1) mandates that the plaintiff in all foreclosure actions file the specialized RJI simultaneously with the “proof of service” of the summons and

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lists the homeowner’s contact information. See NYS Unified Court System, *FORECLOSURE RJI Addendum*, at <http://www.courts.state.ny.us/forms/rji/UCS-840F-fillable.pdf>.

<sup>23</sup> Unlike in federal cases, the filing of a summons and complaint in New York State does not trigger the assignment of a judge to the case. Instead, to move the case forward, one of the parties must file an RJI; without the filing of an RJI, the case effectively does not move forward. 22 N.Y.C.R.R. § 202.6. See also, David D. Siegel, *NEW YORK PRACTICE* § 77b (5<sup>TH</sup> Ed. 2010).

<sup>24</sup> Chief Administrative Judge Ann Pfau, *Assisting Homeowners Facing Foreclosure*, N.Y. LAW J., May 1, 2009, <http://www.law.com/jsp/nylj/PubArticleNY.jsp?id=1202430331826>; see also 22 N.Y.C.R.R. § 202.12-a(b)(2).

<sup>25</sup> While CPLR Rule 3408(a) requires that the court schedule a settlement conference within 60 days of the filing of proof of service, the court system in Uniform Rules Section 202.12-a(c)(1) requires that the settlement conference be held within 60 days of filing the specialized RJI. This distinction between the CPLR Rule 3408 and Uniform Rules Section 202.12-a was likely made because the arm of the New York State Unified Court System (UCS) that schedules court dates, the Office of Court Administration (OCA), does not begin to manage court cases until the RJI is filed. Information concerning summonses, complaints and proofs of service is maintained by a different, although related, arm of USC, the county clerk. Thus, Uniform Rule Section 202.12-a was drafted recognizing this practical distinction. To implement CPLR Rule 3408’s directive that a settlement conference be scheduled within 60 days of the filing of proof of service, USC drafted Uniform Rules Section 202.12-a(b)(1) to require that the foreclosure law firm file the specialized RJI simultaneously with the proof of service.

complaint.<sup>26</sup> Once the specialized RJI is filed, the court is required to schedule a settlement conference within 60 days.<sup>27</sup>

Because the specialized RJI is to be filed simultaneously with the proof of service of the summons and complaint, it is the foreclosing plaintiff – the bank or servicer – who files the specialized RJI. This requirement is important. Most homeowners are unrepresented.<sup>28</sup> They often do not know what they should do when served with a summons and complaint. A review of the foreclosure filings in Brooklyn and Queens in November 2010 showed that in only 26% of the actions do homeowners file an answer; in March 2011, the rate was even lower, with answers filed in only 18% of the foreclosure actions.<sup>29</sup> If few homeowners are unaware of their right to file an answer in a foreclosure action, even fewer will know that they have a statutorily mandated right to negotiate a loan modification in the settlement conference part. Like a Russian nesting doll, an even smaller number of homeowners will know that something called an RJI needs to be filed to move the case to the settlement conference part.

In rare cases where a homeowner has attempted to move his case forward by filing an RJI, past experience in Queens County Supreme Court has shown that the court provides him with a “traditional” RJI and not the specialized RJI. By filing a traditional RJI, the homeowner moves the foreclosure case along the “trial” track, potentially resulting in skipping the settlement conference part.<sup>30</sup>

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<sup>26</sup> 22 N.Y.C.R.R. § 202.12-a(b)(1). In most court actions, including foreclosure actions, the “proof of service” is usually an affidavit signed by the process server who served the complaint. The affidavit of service states upon whom the summons and complaint was served, in what manner, and if served upon a person what the individual looked like. This affidavit of service is filed with the county clerk and is recorded on the docket for the particular case.

<sup>27</sup> 22 N.Y.C.R.R. § 202.12-a(c). Note that the requirement that the court schedule a settlement conference within 60 days of the filing of the specialized RJI is slightly different from the CPLR which requires that the court schedule a conference within 60 days of the filing of the proof of service. CPLR 3408(a) (2010). However, because Uniform Rules 202.12-a(b)(1) requires the specialized RJI to be filed simultaneously with the proof of service, arguably the discrepancy between the Uniform Rules and the CPLR is a difference without a distinction.

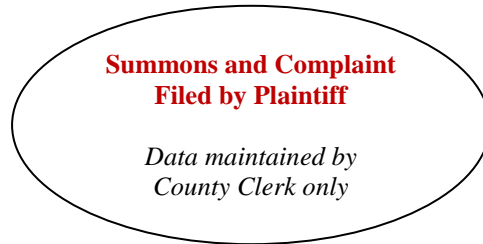
<sup>28</sup> In New York City, 70% of homeowners attend foreclosure settlement conferences without representation. Pfau, *supra* note 16, at 11.

<sup>29</sup> See Appendices B, C, D & E.

<sup>30</sup> When MFY has filed motions to dismiss foreclosure actions on behalf of homeowners in Queens County Supreme Court, the court only permitted MFY file a “traditional” RJI. A traditional RJI moves the case into the court’s general trial docket for all civil litigation, bypassing the settlement conference part. In fact, each time MFY has filed the RJI in Queens, a preliminary conference to set a discovery schedule was held. Only by attending the preliminary conference, conferring with opposing counsel and explaining to Queens court staff that the case is a residential foreclosure action and thus subject to the settlement conference part was MFY able to guarantee that the homeowners did not relinquish their rights to the settlement conference should the motion to dismiss fail.

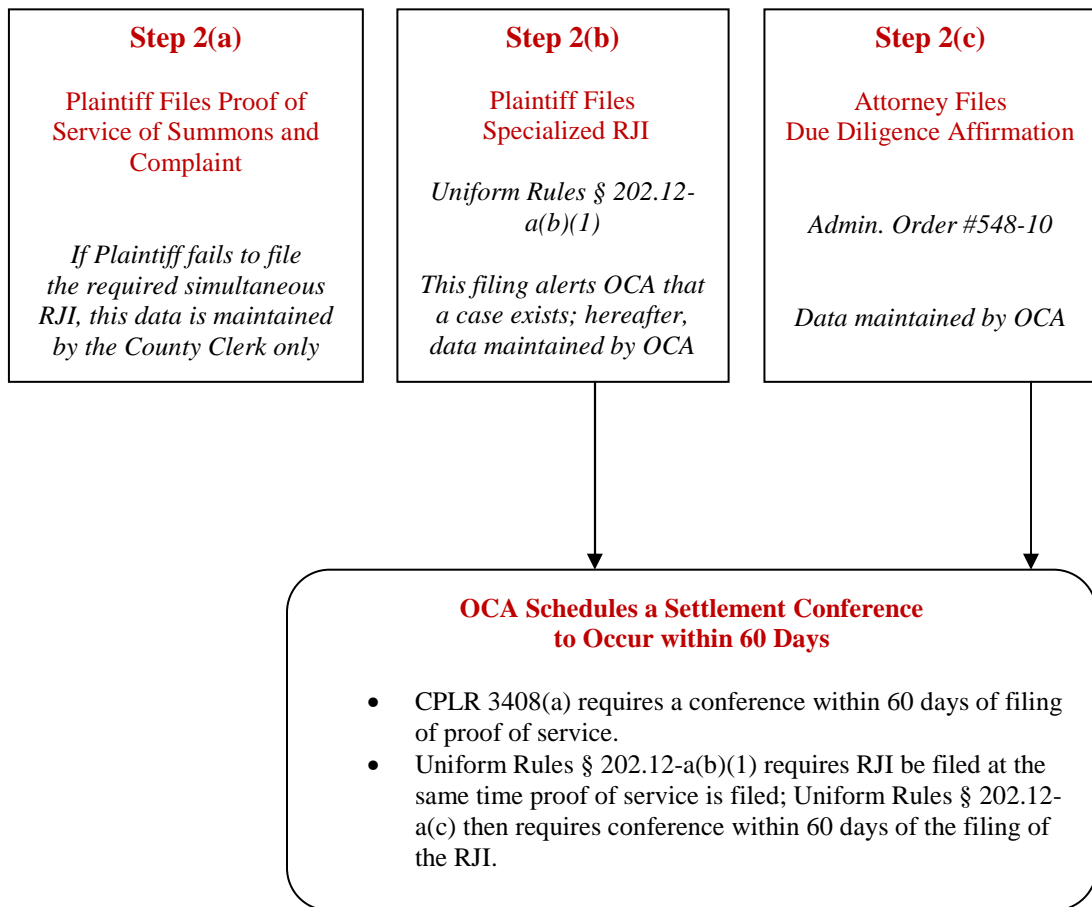
## How a Foreclosure Settlement Conference Should Be Scheduled

### Step 1



*Although Steps 2(a), 2(b) and 2(c) should be accomplished simultaneously, the recent widespread practice of foreclosure plaintiff firms has been to take Step 2(a) but ignore their statutory obligation to take Steps 2(b) and 2(c) at the same time.*

### Step 2



#### **IV. Settlement Conferences Reduce the Economic Damage Suffered by Homeowners**

By requiring the court to schedule a settlement conference within 60 days of filing of the specialized RJL, Uniform Rules Section 202.12-a serves to limit the amount of foreclosure-related fees unnecessarily charged to the homeowner. This, in turn, increases the likelihood that an economically viable homeowner will be able to obtain a mortgage modification.

##### *Homeowners Are Charged Monthly Fees While in Foreclosure & Delinquent Interest Accrues*

The longer a mortgage remains delinquent,<sup>31</sup> the less likely it is to be eligible for modification. Once a foreclosure has been filed, foreclosing plaintiffs routinely refuse to accept any payments from the homeowner – even a full or partial payment – until a modification agreement is negotiated with the homeowner. At the same time, however, because the loan is deemed delinquent, the servicer charges a monthly late fee, usually 5% of the monthly mortgage payment.<sup>32</sup> Thus, for example, for a monthly mortgage payment of \$2,000, the homeowner could be charged approximately \$100 monthly in late fees.

Additionally, once a foreclosure action has been filed, the mortgage contract typically permits the servicer to charge the homeowner for its attorney’s fees (approximately \$2,000 to file a foreclosure), property inspection fees (approximately \$250), and property valuation fees (approximately \$150).<sup>33</sup> Property inspection and valuation fees are not one-time fees, but are frequently charged repeatedly as multiple inspections and appraisals are conducted during the case. Because homeowners are largely unsophisticated in their knowledge of foreclosure fees, they have little ability to fight the necessity of such fees and, in addition, homeowners are often charged “illegal fees” not contemplated by the mortgage contract.<sup>34</sup>

Delinquent interest is interest that accrues on the unpaid principal balance during the prolonged period of delinquency that would not accrue if a loan modification agreement were in place and the servicer was accepting monthly payments from the homeowner. Interest accruals during a unnecessarily prolonged period of delinquency cause the principal balance to swell. For

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<sup>31</sup> In the mortgage industry, delinquent is usually defined as more than 30 days late on a payment. Mortgages that are in foreclosure are by definition “delinquent.”

<sup>32</sup> Adam J. Levitin & Tara Twomey, *Mortgage Servicing*, 28 YALE J. ON REG. 1, 41 (2011).

<sup>33</sup> *Id.* See also Katherine M. Porter, *Misbehavior & Mistake in Bankruptcy Mortgage Claims*, 87 TEX. L. REV. 121, 132 (2008).

<sup>34</sup> Porter, *supra* note 33, at 152-61.

instance, if a delinquent mortgage loan has an unpaid principal balance of \$375,000 and an annual interest rate of 7.25%, the delinquent interest that accrues on the loan is \$2,265.63 per month  $((\$375,000 \times .0725) / 12)$ .

The longer the foreclosing law firm prevents a homeowner from resolving the delinquency by negotiating a loan modification in the settlement conference process by failing to file the required RJJ, the more delinquent interest that accrues on the loan.

#### *Foreclosure-Related Fees Can Jeopardize Loan Modifications*

Delinquent fees and other foreclosure-related fees prolong the time it takes for the servicer and homeowner to negotiate a loan modification because the higher arrears<sup>35</sup> must be capitalized into a new, modified principal balance. At some point, the arrears become too large to economically capitalize into a new, modified principal balance that is both affordable and in compliance with the precepts of many of the modification programs, including the federal government's Home Affordable Modification Program (HAMP).

Thus, CPLR 3408's requirement that a settlement conference be scheduled within 60 days of the filing of the specialized RJJ is crucial to guaranteeing the State Legislature's goal of preventing unnecessary foreclosures and modifying as many mortgages as possible early in the process.

## **V. With the Robo-Signing Debacle, New York Courts Institute the Due Diligence Affirmation Requirement**

#### *Robo-signing Emerges as an Industry-Wide Problem*

A little more than a year after the passage of CPLR 3408 and the implementation of the settlement conference part, the New York State court system was hit with a new foreclosure-related crisis: "robo-signing."

In September 2010, as the number of foreclosure filings in New York City remained at an all-time high, many of the largest mortgage servicers, including Wells Fargo, JPMorgan Chase and Bank of America, confirmed allegations that their employees had not followed proper legal procedures in initiating foreclosures.<sup>36</sup>

As part of the foreclosure process, the servicers' employees, as agents of the foreclosing plaintiff, sign various affidavits, stating, among other things, that they physically reviewed a

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<sup>35</sup> The term "arrears" includes monthly mortgage payments not paid during the delinquency as well as late fees and other foreclosure-related fees.

<sup>36</sup> Eric Dash, *Wells Fargo to Amend About 55,000 Foreclosures*, N.Y. TIMES, Oct. 28, 2010, at B4.

particular foreclosure file, that the homeowner is delinquent, the amount owed, and that the foreclosing entity has the legal right to foreclose.<sup>37</sup> However, by September 2010, it was revealed that most servicers' employees had not physically reviewed the files. Instead, employees were signing up to 10,000 affidavits a month, or one every minute, attesting to facts of which they could not have acquired personal knowledge.<sup>38</sup> In some cases, notably that of Linda Green, other employees signed her name on her behalf and still had the document notarized as Linda Green.<sup>39</sup> Because of the robotic-like speed at which the foreclosure files were reviewed, these employees became known as "robo-signers."

Robo-signing proved to be the industry norm. By the beginning of October 2010, three banks – GMAC, JPMorgan Chase and Bank of America – announced a brief suspension of foreclosure sales while they investigated their robo-signing issues.<sup>40</sup> Although many of the banks resumed foreclosure sales soon after their internal investigations were announced, the United States Office of the Comptroller, which supervises national banks, conducted its own investigation and, in April 2011, instituted an enforcement action against eight of the country's largest servicers.<sup>41</sup> In addition to identifying the servicers' unsound and damaging procedures, the Enforcement Orders also instituted reforms to the system to "ensure a fair and orderly mortgage servicing process going forward."<sup>42</sup>

*To Ensure Against Robo-Signing, New York State Courts Requires a Due Diligence Affirmation*

Recognizing that the courts were becoming instruments of "a deeply flawed process" and that homeowners were losing faith in the judicial process, the New York State court system was quick to respond.<sup>43</sup> On October 20, 2010, the New York State court system issued Administrative Order #548-10 requiring the bank's or servicer's attorneys in all residential foreclosure actions to file an affirmation certifying that counsel performed due diligence and had taken

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<sup>37</sup> Levitin & Twomey, *supra* note 32, 29-30.

<sup>38</sup> *Id.*

<sup>39</sup> *60 Minutes: The Next Housing Shock* (CBS television broadcast Apr. 3, 2011).

<sup>40</sup> Dash, *supra* note 33.

<sup>41</sup> Press Release, Office of the Comptroller of the Currency, OCC Takes Enforcement Action Against Eight Servicers for Unsafe and Unsound Foreclosure Practices (April 13, 2011), <http://www.occ.treas.gov/news-issuances/news-releases/2011/nr-occ-2011-47.html>.

<sup>42</sup> *Id.*

<sup>43</sup> Press Release, New York State Unified Court System, New York Courts First in Country to Institute Filing Requirement to Preserve Integrity of Foreclosure Process (Oct. 20, 2010), [http://www.courts.state.ny.us/press/pr2010\\_12.shtml](http://www.courts.state.ny.us/press/pr2010_12.shtml).



reasonable steps to verify the accuracy of the documents used as a basis of the foreclosure action.<sup>44</sup> This new “Due Diligence Affirmation” would “play a vital role in ensuring that the documents judges rely on will be thoroughly examined, accurate, and error-free before any judge is asked to take the drastic step of foreclosure.”<sup>45</sup>

Administrative Order #548-10 was made “effective immediately” and required the Due Diligence Affirmation to be filed at particular junctures of the foreclosure action; for newly-filed cases the Due Diligence Affirmation must be filed by the foreclosing plaintiff’s attorney *simultaneously* with the filing of the specialized RJI. Thus, in conjunction with Uniform Rules Section 202.12-a(b)(1), which mandates that the specialized RJI be filed with the proof of service, the foreclosing plaintiff’s attorney must file *three* separate documents simultaneously: (1) proof of service, (2) the specialized RJI, and (3) the Due Diligence Affirmation.

## **VI. Foreclosure Law Firms Cease Filing RJIs Even Though They File Proofs of Service**

The actions of the foreclosure law firms have, unfortunately, largely undermined the laudable goals of the Due Diligence Affirmation. Intended to better protect homeowners from foreclosure abuses and to ensure compliance with 400 years of law governing the conveyance of and security in real property, the Due Diligence Affirmation has been used by the foreclosure law firms to cause greater harm to homeowners and to expose the court system to questions regarding its ability to administer justice.

The MFY study reveals that since November 2010, foreclosure law firms have all but completely stopped filing specialized RJIs in new foreclosure actions. Notably, they have not stopped filing foreclosure actions; current rates of foreclosure filings are similar to foreclosure filing rates *before* the Due Diligence Affirmation requirement. Furthermore, proofs of service of the summonses and complaints these actions continue to be filed for the vast majority of actions. But the Due Diligence Affirmation and the concomitant specialized RJI – which is currently the only effective way to alert the court system to move a foreclosure case into the settlement conference part – are not being filed.

In November 2010, the first full month after the institution of the Due Diligence Affirmation requirement, 393 residential foreclosure actions were filed in Brooklyn and Queens.<sup>46</sup> In 387 of those cases, proofs of service of the summonses and complaints were filed

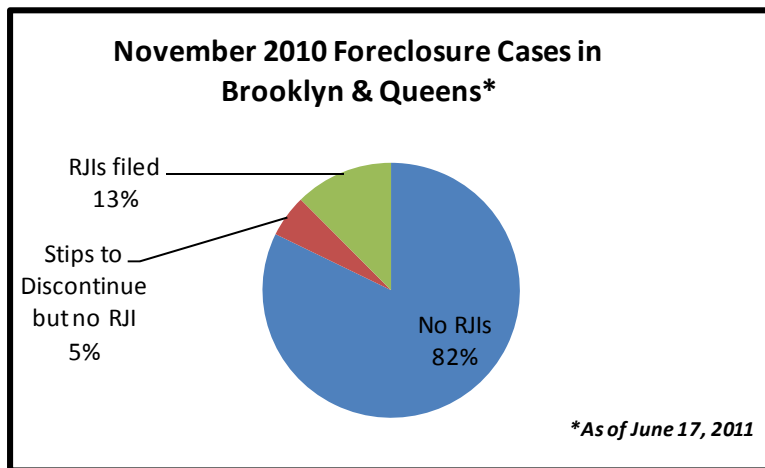
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<sup>44</sup> Administrative Order #548-10 was later slightly modified in March 2011 by Administrative Order #431-11 in terms of the content of the required Due Diligence Affirmation. However, the timing of the required filing remained the same. [http://www.nycourts.gov/attorneys/pdfs/AdminOrder\\_2010\\_10\\_20.pdf](http://www.nycourts.gov/attorneys/pdfs/AdminOrder_2010_10_20.pdf).

<sup>45</sup> Press Release, New York Unified Court System, *supra* note 43.

<sup>46</sup> See Appendices B & C.

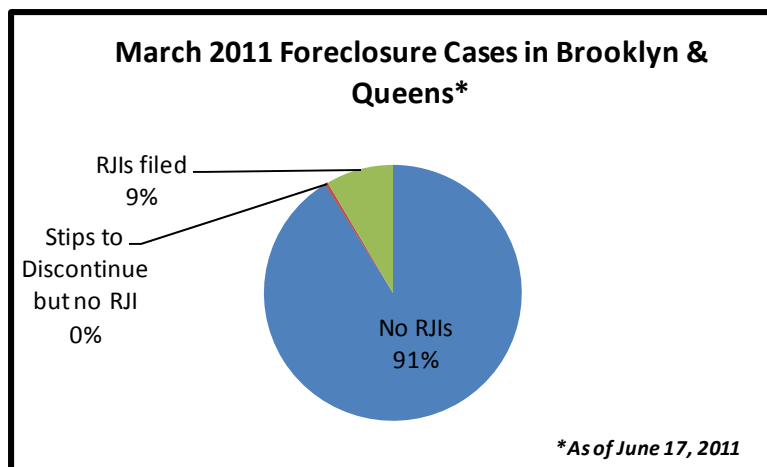
with the county clerk soon after the action was served. A review of the cases' docket sheets in June 2011 revealed, however, that RJIs were filed in only 49 of those 387 cases. In another 21 actions, the foreclosing plaintiffs voluntarily discontinued the cases without filing RJIs. Thus, as of June 2011 – *seven months after* the November 2010 filing of those foreclosure actions and the proofs of service – a whopping 323 foreclosure cases have yet to move to the settlement conference part. As the chart below reflects, in 82% of the residential foreclosure cases filed in November 2011, the homeowner sits in a state of limbo, with fees and interest accruing, waiting for the opportunity to negotiate a reasonable modification with the servicer with court oversight.



March 2011 has proved even worse. In Brooklyn and Queens 529 foreclosure actions were filed, with proofs of service filed in 523 of those cases.<sup>47</sup> Yet, only 45 RJIs were filed as of June 2011 – despite the fact that Uniform Rules Section 202.12-a(b)(1) requires that the specialized RJI be filed simultaneously with the proof of service. Two actions were voluntarily discontinued, leaving 482 homeowners in a similar limbo-state, essentially unable to avail themselves of the settlement conference process. As the chart below demonstrates, that number reflects that, in an astounding 91% of foreclosure actions filed in March 2011 the cases have yet to move forward.

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<sup>47</sup> See Appendices D & E.



Prior to the Due Diligence Affirmation requirement, foreclosing plaintiffs filed the specialized RJI soon after the filing of the proof of service. For example, in a majority of foreclosure cases filed in Brooklyn and Queens in March 2010, RJIs were filed within two months of the filing of the proofs of service.<sup>48</sup>

	<b>March 2010 Queens Foreclosure Filings</b>	<b>Percentage of All Queens Cases (total = 487)</b>	<b>March 2010 Brooklyn Foreclosure Filings</b>	<b>Percentage of All Brooklyn Cases (total = 377)</b>
w/i 1 month	206	42.3%	107	28.4%
w/i 2 months	30	6.2%	81	21.5%
w/i 3 months	38	7.8%	43	11.4%
w/i 4 months	29	6.0%	17	4.5%
w/i 5 months	19	3.9%	16	4.5%
w/i 6 months	15	3.1%	12	3.2%
w/i 7 months	8	1.6%	2	0.5%
8 months+	0	0%	1	0.2%
<b>TOTAL</b>	<b>345</b>	<b>70.8%</b>	<b>279</b>	<b>74.0%</b>

The comparison between the high rate of specialized RJI filings in March 2010 and the abysmally low rate beginning in November 2010 reflects the marked change in foreclosure law firms' behavior since the adoption of the Due Diligence Affirmation requirement on October 20, 2010. The failure to file a specialized RJI with the proof of service is a clear violation of Uniform Rules Section 202.12-a(b)(1).

<sup>48</sup> A March 2010 comparison chart was not compiled. Instead the docket sheets for all of these actions are on file with the author.

## VII. Foreclosure Law Firms' En Masse Failure to File Specialized RJIs Denies Homeowners Their Right to the Protections of the Settlement Conferences and Causes Them Economic Injury

### *Homeowners are Unable to Avail Themselves of the Protections of the Settlement Conference*

By requiring that court-overseen settlement conferences occur early in a foreclosure action, the New York State Legislature made clear its desire that mortgage modifications be negotiated as soon as possible.<sup>49</sup> Additionally, recognizing the inherent inequities that exist between the foreclosing plaintiff – usually a subsidiary of a large national bank<sup>50</sup> – and the homeowner, the New York State Legislature passed CPLR 3408 to provide certain protections to the homeowner.

First, CPLR 3408 requires that all negotiations between the foreclosing plaintiff and the homeowner be conducted before the court. This provision was presumably added to level the playing field between the homeowner and the well represented and financially sophisticated servicer.

Second, in recognizing the potential for abuse that can occur when a homeowner is unrepresented by counsel, CPLR 3408(b) requires that any homeowner appearing without counsel be considered to have made a motion to proceed as a poor person under CPLR 1101. This automatic designation permits the court to appoint counsel in accordance with CPLR 1102.<sup>51</sup>

Finally, in order to afford as much advice to homeowners as possible, CPLR 3408(d) requires that the specialized RJI filed by the foreclosure law firms, which includes the homeowner's contact information, be sent to a local housing counseling agency "exclusively for the purpose of making the homeowner aware of housing counseling and foreclosure prevention services and options available to them."<sup>52</sup>

Failing to file the specialized RJI upon the filing of the proof of service not only violates Uniform Rule 202.12-a(b)(1); this practice also undermines the intention of the New York State

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<sup>49</sup> Sponsor's Mem., *supra* note 22.

<sup>50</sup> Even during the settlement conferences, mortgage modification negotiations are usually conducted by the foreclosing plaintiff's servicer. *See supra* text accompanying notes 9-12.

<sup>51</sup> *See* CPLR 3408(b). Although the New York State Legislature recognized the need for homeowners to be represented by counsel and added CPLR 3408(b) to guarantee counsel in certain cases, this largely remained an unfunded mandated and most courts do not appoint counsel during the settlement conference. Hon. Mark C. Dillon, *The Newly-Enacted CPLR 3408 For Easing the Mortgage Foreclosure Crisis: Very Good Steps, But Not Legislatively Perfect*, 30 Pace L. Rev. 855, 890-92 (2010).

<sup>52</sup> CPLR 3408(b) (2010).

Legislature to protect homeowners and reduce the number of unnecessary foreclosures in New York State. Without a specialized RJI, homeowners in approximately 87% of all foreclosure cases filed in Brooklyn and Queens<sup>53</sup> do not receive the protections of the court in attempting to negotiate a mortgage modification. Instead, these homeowners must negotiate a loan modification without the judicial oversight that the New York Legislature deemed critical in creating the settlement conference part in the first place.

Furthermore, failure to file the specialized RJI frustrates access for approximately 87% of homeowners in foreclosure to the advice of housing counseling and legal services organizations. The specialized RJI is the only way that local housing counseling agencies – organizations equipped to assist homeowners with the mortgage modification process – learn of a homeowner’s need for help so that they might directly reach out to the homeowner.<sup>54</sup> By requiring that the specialized RJI include the homeowner’s contact information and by providing it directly to the housing counseling agencies, the New York State Legislature wanted to ensure that homeowners learned of the services available to assist them early in the foreclosure process. Additionally, many housing counseling agencies have direct relationships with New York City’s legal services organizations and can connect the homeowner to legal assistance. Furthermore, homeowners are often denied mortgage modifications for incorrect, inappropriate, or vague reasons – reasons that could be made clear in the light of informed decisionmaking. At this nascent stage of foreclosure litigation, access to legal services for these homeowners is critical.

Thus, the practice of failing to file the specialized RJI with filing proofs of service makes homeowners more vulnerable to the abuses of the servicers.

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<sup>53</sup> In November 2010, 187 foreclosure actions were filed in Brooklyn and 206 in Queens for a November 2010 total of 393. In March 2011, 529 foreclosure actions were filed in the same boroughs (234 in Brooklyn and 295 in Queens). Thus, between the two months, a total of 922 foreclosure actions were filed in Brooklyn and Queens. See Appendices B, C, D & E. In terms of actions that are still awaiting an RJI filing, 157 cases filed in November 2010 in Brooklyn have not moved forward, 166 cases filed in November 2010 in Queens, 213 cases filed in March 2011 in Brooklyn, and 268 in March 2011 in Queens. *Id.* Thus, between the two months, a total of 805 foreclosure actions are sitting in limbo. This provides an average of 87% of all foreclosure filings that are sitting in limbo awaiting a settlement conference.

<sup>54</sup> The foreclosing entity is required to provide the homeowner a list of at least five local housing counseling agencies when sending the 90-Day Pre-Foreclosure Notice and when serving the summons and complaint. See RPAPL §§ 1303 & 1304 (2010); see also EMPIRE JUSTICE CENTER, *The Foreclosure Prevention, Tenant Protection and Property Maintenance Act of 2009* (Feb. 2, 2010), 2 (on file with author). Although these notices provide some protection to homeowners, the New York State Legislature realized the importance of providing the housing counseling agencies with homeowners’ contact information so that those organizations could reach out to the homeowner instead of waiting for homeowners to contact them.

## *Homeowners Suffer Economic Damages*

The foreclosure law firms' practice has economic consequences for the homeowner. As described in more detail in Part IV, a homeowner in foreclosure is subject to a number of fees – late fees, repeated appraisal fees, repeated property inspection fees, and other fees.<sup>55</sup> Homeowners can seek a mortgage modification outside of the judicial process, and many do. Delay is costly to the homeowner. The Due Diligence Affidavit asserts, *inter alia*, that all relevant documents have been reviewed, yet practice has shown that the foreclosing plaintiffs do *not* always have the necessary files before filing the summons and complaint and that their counsel are actually forced to request these documents *from the homeowner*. When the servicer loses the homeowner's documents, requests more unnecessary documents, takes more than the allowed time to review a homeowner for a modification, or otherwise delays the process, the homeowner has no leverage to force the servicer to process the modification application in a timely manner, thereby avoiding foreclosure-related fees.

If the action is in the settlement conference part and a servicer is unnecessarily delaying the modification process, the court is able to order the servicer to provide a modification offer (or appropriate denial) by a certain date or otherwise face sanctions. Outside of the settlement conference, the homeowner loses this important protection and leverage. Unfortunately, for those cases filed as of November 2010 in Brooklyn and Queens, 87% of homeowners are unable to avail themselves of the protections of the settlement conference.

As described in Part IV, as the foreclosure action sits in limbo, the homeowner's arrears continue to grow through delinquent interest accruals and foreclosure-related fees charged to the homeowner. At some point, these arrears reach the point where it is no longer economically feasible to capitalize the arrears into mortgage modification. Thus, the foreclosure law firms' refusal to file specialized RJIs jeopardizes homeowners' ability to obtain a mortgage modification.

## **VIII. Foreclosure Law Firms' En Masse Failure to File RJIs Will Create a Crisis in the Courts**

### *Backlog of Settlement Conferences Could Overwhelm an Already Vulnerable Court System*

Eventually, the foreclosure law firms will file the RJIs; this could be a month from now, a year from now, or longer. While the Due Diligence Affirmation has presented an obstacle for most of the foreclosure law firms, presumably at some point they will adopt a strategy to deal with the Affirmation so that cases can move forward. Once this strategy is determined, New York State's foreclosure law firms will likely file the backlog of RJIs in one fell stroke, overwhelming an already vulnerable court system.

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<sup>55</sup> See *supra* text accompanying notes 31-34.

In Brooklyn and Queens, the foreclosure law firms' decision to finally file RJIs would mean that the courts would be flooded with over 4,000 cases that need to be scheduled for settlement conferences.<sup>56</sup>

This could not have come at a worse time for the New York State Court System. Due to a budget cut of \$170 million, the New York State Court System expects to layoff "hundreds" of its 15,500 employees, some of which will include court personnel.<sup>57</sup> Already, the New York State Court System laid off all of its Judicial Hearing Officers (JHOs), retired New York State judge or justices who work on a per diem basis overseeing certain court matters. The comprehensive layoff of New York State's JHOs has had a disproportionately adverse impact on foreclosure settlement conferences because many of these JHOs oversaw the settlement conference negotiations.<sup>58</sup>

With severe budget cuts and staff layoffs, the New York State Court System will be unable to handle the tens of thousands of cases that will need settlement conferences scheduled within the 60 days of the foreclosure law firms' filing of the RJIs.<sup>59</sup> The court system lacks the capacity to handle what the foreclosure law firms are about to thrust upon it.

## **IX. Recommendations**

Although MFY's investigation is preliminary and further research is needed, the data collected to date raises serious questions about bureaucratic loopholes in New York State's foreclosure settlement part process that have been cynically capitalized upon by foreclosure law firms. The New York State Unified Court System (UCS) is responsible for implementing the Legislature's settlement conference mandate found in CPLR 3408. To limit the damages inflicted upon homeowners by the foreclosure law firms' dilatory tactics in filing RJIs – motivated by the firms' inability or unwillingness to attest to the truth of the facts alleged in the foreclosure lawsuits they file -- UCS should expeditiously address the current backlog of residential foreclosure cases awaiting settlement conferences. It is therefore recommended that UCS:

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<sup>56</sup> As described in more detail in note 53, a total of 922 actions were filed in Brooklyn and Queens in November 2010 and March 2011, making 461 the average monthly rate of foreclosure filings in Brooklyn and Queens. Given that the foreclosure law firms stopped filing RJIs beginning in November 2010, there is currently a nine-month backlog in scheduling settlement conferences. Thus, the number of settlement conferences that the courts will need to schedule just for Brooklyn and Queens is approximately 4,149.

<sup>57</sup> Thomas Kaplan, *Chief Judge Says Deal Will Require Hundreds of Layoffs in Court System*, N.Y. TIMES, Mar. 29, 2011, at A28, available at <http://www.nytimes.com/2011/03/29/nyregion/29cuts.html>.

<sup>58</sup> Joel Stashenko, *Group of Hardworking Retired NY Judges Face Layoff*, N.Y. LAWYER, Mar. 16, 2011, available at <http://www.law.com/jsp/article.jsp?id=1202486344480&slreturn=1&hbxlogin=1>.

<sup>59</sup> 22 N.Y.C.R.R. § 202.12-a(c).

- (1) **Schedule the current backlog of foreclosure cases for settlement conferences in a timely fashion, with or without the filing of an RJI.** New York State Legislature sought to ensure the scheduling of settlement conferences early on in the foreclosure process. The foreclosure law firms' current inaction subverts that goal: 82% of cases filed in November 2010 have yet to move forward in the settlement conference part. While the foreclosure law firms cause this current crisis, the UCS can be the solution. This process will require that the UCS obtain all the docket numbers for residential foreclosure actions filed in New York State since November 2010. Whether the foreclosure law firm has filed an RJI, the UCS must schedule these settlement conferences. Arguably, CPLR 3408(a) requires such action because it mandates that the court schedule a settlement conference within 60 days of plaintiff's filing of the proof of service. As noted above, in the vast majority of cases, foreclosure law firms file proofs of service shortly after the filing of the summons and complaint.
- (2) **Require that the Due Diligence Affirmation be filed at the same time as the summons and complaint.** The rate of RJI filings in foreclosure cases plummeted with the Due Diligence Affirmation requirement. That requirement – which was initially adopted to restore the integrity of the foreclosure process – has been used by foreclosure law firms to stall actions, damage homeowners, and threaten the courts' ability to handle foreclosures in a timely manner. However, by amending Administrative Order #431-11 to require that the Due Diligence Affirmation be filed with the summons and complaint, UCS can continue to guarantee that the foreclosure papers upon which the court relies are accurate, while guaranteeing that cases are timely moved to the settlement conference part.
- (3) **Require that all new residential foreclosure summons and complaints be filed with a coversheet identifying the action as such and listing the homeowner's contact information.** One issue that has emerged from this study is that it is extremely time-consuming and difficult to identify residential foreclosure summons and complaints prior to filing of an RJI. First, potential actions should be identified by the notices of pendency filed on property. From a review of these notices, the listed index numbers can be cross-referenced with the county clerk's docket book. By requiring that a coversheet identifying the action as a residential foreclosure be filed with the summons and complaint, the UCS can maintain accurate and timely statistics of the number of foreclosure actions filed and better anticipate potential demand for the settlement conferences.
- (4) **Require that county clerks submit the coversheet to the Office of Court Administration so settlement conferences can be scheduled within 60 days of the filing of the summons and complaint.** Because summonses and complaints



are filed with the county clerk and RJIs with the OCA,<sup>60</sup> the coversheets that are submitted to the county clerk should be provided immediately to the OCA so that the OCA can schedule a settlement conference within 60 days of the filing of the summons and complaint. These conferences should be scheduled whether or not the foreclosure law firm has filed an RJI. As shown in this study, allowing the foreclosure law firms to determine the scheduling of settlement conferences by tying such a conference to the filing of the RJI can easily be used against homeowners when it is to the foreclosure firms' benefit.

- (5) **Mandate that the court provide the coversheet to local housing counseling agencies.** Under CPLR 3408(d), the New York State Legislature determined that early contact with housing counseling agencies could help homeowners avoid unnecessary foreclosure and thus mandated that the court supply homeowner's contact information listed on an RJI to local housing counseling agencies. To fulfill that goal of early contact with housing counseling agencies, the court should provide either the coversheet or the homeowner's contact information listed on the coversheet to local housing counseling agencies.
- (6) **Require that at the initial settlement conference, if the foreclosure law firm has not yet filed an RJI, it do so prior to the second settlement conference upon pain of automatic dismissal.** Although it is important to move the foreclosure action as quickly as possible into the settlement conference part, UCS should not ignore the RJI requirement. The RJI assigns a judge to the case so that if the settlement conference fails, the case can move back to the regular foreclosure trial part. Additionally, UCS should not forgo the \$95 fee required when filing an RJI. Thus, UCS should require that foreclosure law firms file an RJI no later than the second settlement conference upon pain of automatic dismissal.

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<sup>60</sup> The Office of Court Administration ("OCA"), the administrative arm of the UCS, is likely unaware of the number of foreclosure actions that are in limbo between the filing of the proofs of service and the filing of the RJIs. Because summonses and complaints in civil actions are filed with the county clerks – yet another division of the UCS separate from OCA – OCA does not register the existence of a suit in its data system until an RJI is filed. Thus if an RJI has not been filed, there will be no record of the case in OCA's online e-courts system available at <http://iapps.courts.state.ny.us/webcivil/ecourtsMain>.

# **APPENDIX A**

## **Methodology**

This preliminary investigation of the foreclosure law firms' abuse of the Due Diligence Affirmation was conducted by MFY from April 2011 through June 2011. The data is derived from publicly available information located in the County Clerks' Offices in Brooklyn and Queens. Brooklyn and Queens were chosen because they remain the hardest hit counties in New York City in terms of foreclosures.

MFY decided to analyze residential foreclosure filings in Brooklyn and Queens for three different months: (1) November 2010, the first full month after the institution of the Due Diligence Affirmation; (2) March 2011, a more recent month to determine if November 2010's data was only a short-term response to the Due Diligence Affirmation requirement; and (3) March 2010 as a control date because these foreclosures were filed prior to the Due Diligence Affirmation requirement.

Determining the number of residential foreclosure filings in each month was a two-step process. First, MFY searched the "Judgment Docket and Lien Book" located in the County Clerks' Offices for each month to determine upon which properties notices of pendency were filed. From that search, MFY was able to identify all foreclosure actions filed in each county and obtain the index number for each foreclosure. Once MFY had these index numbers, it was able to move to step two, reviewing the case files for each of these index numbers to determine if they were residential foreclosures. Those identified as such were analyzed to determine whether RJIs, answers, stipulations to discontinue or any other papers were filed. For each residential foreclosure action identified, MFY possesses a copy of the Clerk of Court's docket sheet.

For March 2010, MFY reviewed 864 residential foreclosure filings in Brooklyn and Queens; for November 2010, MFY reviewed 393 residential foreclosure filings in Brooklyn and Queens; and for March 2011, MFY reviewed 529 residential foreclosure filings. Overall, MFY reviewed case histories for 1,786 residential foreclosure filings.

# **APPENDIX B**

## **BROOKLYN FORECLOSURE CASES**

*November 1, 2010 through November 30, 2010*

Foreclosure Cases/Activity: 187

Number of Answers filed: 42 (22%)

Number of RJI's filed: 23 (12%)

Number of Discontinuances filed: 5 (3%)

Number of Cases that have Yet to Move Forward or Be Discontinued: 159 (85%)

### Foreclosure Activity by Firm

- ***Steven J. Baum, P.C.*** – 27 Cases (2 RJIs -- 7%)
- ***Fein, Such & Crane, LLP*** - 38 Cases (1 RJIs -- 3%)
  - A.K.A. – Relin, Goldstein & Crane, LLP and Fein, Such, Kahn & Shepard, P.C.
- ***Shapiro, DiCaro & Barak, LLP*** – 26 Cases (3 RJIs -- 12%)
- ***Rosicki Rosicki & Associates, P.C.*** – 12 Cases (5 RJIs – 41%)
- ***McCabe, Weisberg & Conway, P.C.*** – 20 Cases (1 RJIs -- 5%)
- ***The Dorf Law Firm*** – 16 Cases (0 RJI -- 0%)
- ***Sweeny, Gallo, Reich & Bolz, LLP*** – 12 Cases (1 RJI -- 8%)
- ***Frenkel*** – 6 Cases (2 RJIs -- 33%)
- ***Stein*** – 8 Cases (0 RJIs -- 0%)
- ***Lynch*** – 4 Case (1 RJI -- 25%)
- ***Alan Weinreb*** – 2 Case (1 RJIs -- 50%)
- ***Jordan Katz*** – 1 Cases (0 RJIs -- 0%)
- ***Steine*** – 2 Cases (0 RJI -- 0%)
- ***Berkman*** – 1 Case (0 RJI -- 0%)
- ***Druckman Law Group*** – 2 Cases (0 RJIs -- 0%)
- ***Davidson Fink LLP*** – 1 Cases (0 RJI -- 0%)
- ***Sheldon May*** – 4 Cases (4 RJI -- 100%)
- ***McGlinchey*** – 1 Case (1 RJI -- 100%)
- ***Roach*** – 1 Case (0 RJI -- 0%)
- ***Knuckles*** – 1 Case (0 RJI -- 0%)
- ***Dorfman*** – 1 Case (0 RJI -- 0%)
- ***Masone*** – 1 Case (1 RJI -- 100%)

Kings County – November 2010

	<b>Firm</b>	<b>Index #</b>	<b>Bank</b>	<b>Date Filed</b>	<b>Aff of Service</b>	<b>RJI</b>	<b>Ecourts Record</b>	<b>Other</b>
1.	Baum	26940/10	Wells F	11/1/10	11/30/10	No	No	Notice of Appearance filed on 2/25/11
2.	Baum	26939/10	Wells F	11/1/10	11/16/10	No	No	Answer filed on 2/3/11 Notice of Appearance filed on 2/25/11 Rejection of Answer filed 3/3/11
3.	Baum	26927/10	Wells F	11/1/10	11/16/10	No	No	
4.	Baum	27875/10	Wells F	11/12/10	11/30/10	No	No	
5.	Baum	27874/10	Wells F	11/12/10	11/30/10	No	No	
6.	Baum	27876/10	HSBC	11/12/10	11/23/10	No	No	Notice of Appearance filed on 11/24/10 Notice of Appearance filed on 1/4/11
7.	Baum	28174/10	HSBC	11/16/10	12/2/10	5/20/11	Yes	RJI filed on 5/20/11
8.	Baum	28173/10	Wells F	11/16/10	12/14/10	4/21/11	Yes	FILED AS PILLAR Reply to Counterclaims filed 1/14/11 RJI Filed 4/21/11 Amended Motion Cover filed 4/21/11 Defendant Represented by Counsel
9.	Baum	28165/10	Citimtg	11/16/10	12/6/10	No	No	FILED AS PILLAR
10.	Baum	28164/10	Wells F	11/16/10	11/30/10	No	No	FILED AS PILLAR
11.	Baum	28292/10	Wells F	11/17/10	11/30/10	No	No	Answer filed on 1/10/11 Reply to Counterclaims filed on 1/12/11
12.	Baum	28287/10	Wells F	11/17/10	12/7/10	No	No	FILED AS PILLAR Answer filed on 1/13/11
13.	Baum	28286/10	PNC	11/17/10	11/30/10	No	No	FILED AS PILLAR
14.	Baum	28284/10	Wells F	11/17/10	1/12/11	No	No	FILED AS PILLAR
15.	Baum	28282/10	Wells F	11/17/10	11/30/10	No	No	FILED AS PILLAR

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							Consent to change attorney filed on 2/10/11
16. Baum	28345/10	Wells F	11/17/10	11/30/10	No	No	Answer filed on 12/15/10 Reply to counterclaims filed on 12/29/10 Notice of Appearance filed on 1/13/11 Notice of Appearance filed on 2/25/11
17. Baum	28530/10	Aurora	11/19/10	12/13/10	No	No	
18. Baum	28531/10	HSBC	11/19/10	12/7/10	No	No	Notice of Appearance filed on 12/20/11 Voluntary Discontinuance feed paid by plaintiff on 3/23/11 Stip cancelling lis pendens filed on 3/24/11
19. Baum	28532/10	HSBC	11/19/10	12/6/10	No	No	Amended Aff of Service Filed on 12/13/10
20. Baum	28639/10	Citimtg	11/22/10	12/7/10	No	No	FILED AS PILLAR
21. Baum	28675/10	Citimtg	11/22/10	12/6/10	5/27/11	Yes	FILED AS PILLAR Answer filed on 12/15/10 RJI filed on 5/27/11
22. Baum	28820/10	WellsF	11/23/10	12/7/10	No	No	
23. Baum	28945/10	Aurora	11/24/10	12/16/10	No	No	
24. Baum	28983/10	HSBC	11/24/10	2/10/11	No	No	FILED AS PILLAR
25. Baum	29096/10	Wells F	11/29/10	1/26/11	No	No	
26. Baum	29118/10	Fannie Mae	11/29/10	12/21/10	No	No	Answer filed on 1/11/11
27. Baum	29233/10	GMAC	11/30/10	12/13/10	No	No	FILED AS PILLAR Notice of Appearance filed on 1/10/11
28. Fein	26919/10	Household	11/1/10	11/8/10	No	No	

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29.	Fein	27094/11	Aurora	11/3/10	11/10/10	No	No	Rejection of Answer filed on 12/29/10
30.	Fein	27085/11	Aurora	11/3/10	11/10/10	No	No	Answer filed on 12/1/10 Rejection of answer filed on 12/29/10
31.	Fein	27091/10	Residential Funding	11/3/10	11/12/10	No	No	
32.	Fein	27092/10	HSBC	11/3/10	11/12/10	No	No	Answer filed on 12/17/10
33.	Fein	27096/10	1 <sup>ST</sup> United	11/3/10	11/15/10	5/16/11	Yes	RJI filed on 5/16/11
34.	Fein	27250/10	US Bank	11/3/10	11/12/10	No	No	Answer filed on 12/16/10
35.	Fein	27357/10	HSBC	11/5/10	11/12/10	No	No	Answer filed on 12/14/10 Rejection of Answer filed on 12/21/10
36.	Fein	27358/10	Nationstar	11/5/10	11/12/10	No	No	
37.	Fein	27359/10	Deutsche	11/5/10	11/18/10	No	No	Notice of Appearance filed on 12/17/10
38.	Fein	27507/10	Nationstar	11/8/10	11/15/10	No	No	Voluntary Discontinuance filed on 4/12/11 Consent to Cancel LP filed on 4/12/11
39.	Fein	27506/10	Flagstar	11/8/10	11/22/10	No	No	Notice of Appearance filed on 1/11/11
40.	Fein	27720/10	HSBC	11/10/10	11/22/10	No	No	Notice of Appearance filed on 2/10/11
41.	Fein	27721/10	Beneficial Home	11/10/10	11/18/10	No	No	
42.	Fein	27719/10	Household	11/10/10	11/19/10	No	No	
43.	Fein	27718/10	Bayview	11/10/10	12/8/10	No	No	
44.	Fein	27720/10	HSBC	11/10/10	11/22/10	No	No	Notice of Appearance Filed on 2/10/11
45.	Fein	27882/10	Deutsche	11/12/10	NONE	No	No	



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46.	Fein	27779/10	HSBC	11/12/10	11/24/10	No	No	Answer filed on 12/13/10 Notice of Appearance filed on 12/21/10 Demand for Notice and Inspection filed on 2/2/11
47.	Fein	28062/10	US Bank	11/15/10	11/23/10	No	No	Answer filed on 12/15/10
48.	Fein	28063/10	Wells F	11/15/10	11/29/10	No	No	Rejection of Answer filed on 1/25/11
49.	Fein	28061/10	Deutsche	11/15/10	12/1/10	No	No	Reply filed on 3/31/11
50.	Fein	28067/10	Beneficial Home	11/15/10	11/29/10	No	No	
51.	Fein	28068/10	NY Community Bank	11/15/10	11/23/10	No	No	
52.	Fein	28281/10	HSBC	11/17/10	12/8/10	No	No	Notice of Appearance Filed on 12/21/10
53.	Fein	28386/10	HSBC	11/18/10	11/30/10	No	No	
54.	Fein	28525/10	Beneficial Home	11/19/10	11/29/10	No	No	Answer filed on 1/24/11 Rejection of Answer filed on 2/7/11
55.	Fein	28521/10	Wells F	11/19/10	12/10/10	No	No	
56.	Fein	28653/10	US Bank	11/22/10	12/3/10	No	No	
57.	Fein	28654/10	Wells F	11/22/10	12/10/10	No	No	
58.	Fein	28661/10	HSBC	11/22/10	12/8/10	No	No	
59.	Fein	28662/10	GMAC	11/22/10	12/3/10	No	No	
60.	Fein	28806/10	HSBC	11/23/10	12/14/10	No	No	
61.	Fein	28951/10	Chase	11/24/10	NONE	No	No	
62.	Fein	28949/10	HSBC	11/24/10	12/10/10	No	No	
63.	Fein	28950/10	HSBC	11/24/10	12/8/10	No	No	Answer filed on 12/22/10 Demand for Appearances filed on 12/22/10

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								Notice to Produce filed on 12/22/10
64.	Fein	29115/10	Chase	11/29/10	12/7/10	No	No	
65.	Fein	29238/10	Branch Banking	11/30/10	12/6/10	No	No	
66.	McCabe	26917/10	Beneficial Homeowner	11/1/10	11/23/10	No	No	Affidavit of service 2 filed on 4/1/11 and 4/19/11
67.	McCabe	27608/10	Wells F	11/9/10	12/2/10	No	No	
68.	McCabe	27776/10	Deutsche Bank	11/12/10	12/7/10	No	No	
69.	McCabe	28179/10	Aurora	11/16/10	12/9/10	No	No	Amended Affidavits of Serviced filed on 12/20/10
70.	McCabe	28290/10	Deutsche Bank	11/17/10	12/2/10	No	No	
71.	McCabe	28289/10	US Bank	11/17/10	12/9/10	No	No	Answered filed on 1/5/11
72.	McCabe	28288/10	US Bank	11/17/10	12/2/10	No	No	
73.	McCabe	28285/10	US Bank	11/17/10	12/9/10	No	No	Notice of appearance and Answer filed on 12/22/10 Notice of appearance filed on 3/4/11
74.	McCabe	28283/10	BofA	11/17/10	12/2/10	No	No	Answer filed on 12/2/10 Voluntary discontinuance filed on 2/16/10
75.	McCabe	28381/10	US Bank	11/18/10	12/7/10	No	No	
76.	McCabe	28382/10	Wells F	11/18/10	12/10/10	3/31/11	Yes	Answer filed on 1/4/11 Reply to Answer filed on 1/21/11 Consent to change attorney filed on 2/10/11 Answer filed on 3/24/11 RJI filed on 3/31/11 OSC filed on 3/31/11

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77.	McCabe	28383/10	US Bank	11/18/10	12/2/10	No	No	Amended RJI filed on 4/11/11 Answer filed on 2/1/11 Answer amended with Affirmative Defenses and counterclaims on 2/18/11 Answer filed on 3/1/11
78.	McCabe	28384/10	BofA	11/18/10	11/30/10	No	No	
79.	McCabe	28665/10	US Bank	11/22/10	1/24/11	No	No	Answer filed on 3/9/11 Answer filed on 3/18/11
80.	McCabe	28802/10	US Bank	11/23/10	12/14/10	No	No	Answer filed on 1/3/11 Notice of Discovery and Inspection of Documents filed on 1/28/11
81.	McCabe	28798/10	Deutsche Bank	11/23/10	12/9/10	No	No	
82.	McCabe	28948/10	US Bank	11/24/10	1/5/11	No	No	
83.	McCabe	29114/10	Wells F	11/29/10	12/13/10	No	No	Amended Affidavit of Service filed on 12/16/10
84.	McCabe	29116/10	Deutsche Bank	11/29/10	12/23/10	No	No	
85.	McCabe	29237/10	HSBC	11/30/10	12/14/10	No	No	Answer filed on 12/14/10 Answer filed on 1/28/11
86.	Rosicki	26959/10	Select Portfolio	11/1/10	11/17/10	No	No	
87.	Rosicki	26961/10	Aurora	11/1/10	11/15/10	No	No	
88.	Rosicki	27097/10	Metlife	11/3/10	11/17/10	No	No	Answer with counterclaims and defenses filed on 12/2/10 Reply to answer filed on 12/8/10 Notice of appearance filed on 3/1/11
89.	Rosicki	27285/10	Kondaur	11/4/10	11/16/10	2/14/11	Yes	RJI Filed on 2/14/11
90.	Rosicki	27432/10	US Bank	11/5/10	11/19/10	No		

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91.	Rosicki	28573/10	Indymac	11/19/10	12/1/10	12/7/10	Yes	Answer filed on 12/7/10 RJI filed on 2/22/11
92.	Rosicki	28831/10	US Bank	11/23/10	12/9/10	No	No	Answer filed on 12/15/10
93.	Rosicki	28829/10	Citimtg	11/23/10	12/3/10	No	No	
94.	Rosicki	28830/10	DLJ Mortgage	11/23/10	12/6/10	No	No	
95.	Rosicki	28832/10	BankUnited	11/23/10	12/13/10	12/22/10	Yes	Answer filed on 12/22/10 RJI filed on 12/28/10 Reply to answer filed on 1/6/11 RJI filed on 12/14/10 RJI filed on 12/29/10
96.	Rosicki	29012/10	US Bank	11/24/10	12/7/10	12/14/10	Yes	
97.	Rosicki	29242/10	US Bank	11/30/10	12/20/10	12/29/10	Yes	
98.	Shapiro	27884/10	US Bank	11/12/10	12/17/10	No	No	
99.	Shapiro	27777/10	US Bank	11/12/10	11/24/10	No	No	Answer filed on 12/1/10
100.	Shapiro	27928/10	US Bank	11/12/10	1/7/11	No	No	Amended Affidavit of Service filed on 1/27/11 Notice of Pnedency refilled on 2/14/11
101.	Shapiro	27935/10	Deutsche Bank	11/12/10	12/9/10	No	No	Notice of Appearance filed on 12/10/10 Notice of Appearance filed on 3/4/11
102.	Shapiro	27936/10	Deutsche Bank	11/12/10	12/14/10	No	No	Notice of Appearance filed on 12/17/10
103.	Shapiro	27780/10	Deutsche Bank	11/12/10	12/17/10	No	No	Notice of Appearance filed on 3/1/11
104.	Shapiro	27932/10	HSBC	11/12/10	12/7/10	6/2/11	Yes	RJI filed on 6/2/11
105.	Shapiro	27930/10	HSBC	11/12/10	12/6/10	4/5/11	Yes	RJI filed on 4/5/11 Motion coverage filed on 4/28/11
106.	Shapiro	27778/10	Wells F	11/12/10	1/18/11	No	No	
107.	Shapiro	27880/10	Fannie Mae	11/12/10	12/10/10	No	No	Affidavit of Service filed on 3/31/11

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108.	Shapiro	27877/10	Bank of NY	11/12/10	12/6/10	No	No	Answer filed on 12/7/10 Reply to answer filed on 1/4/11
109.	Shapiro	27929/10	Citimtg	11/12/10	11/24/10	No	No	Answer filed on 12/2/10 Reply to answer filed on 12/17/10 Amended Affidavit of service filed on 12/22/11
110.	Shapiro	27933/10	Citimtg	11/12/10	12/16/10	No	No	Voluntary Discontinuance filed on 1/27/11 Cancel of Lis Pendens filed on 1/27/11
111.	Shapiro	27934/10	PHH Mortgage	11/12/10	12/8/10	No	No	Amended Affidavits of Service filed on 1/3/11, 1/4/11, 1/25/11
112.	Shapiro	27931/10	PHH Mortgage	11/12/10	12/7/10	No	No	Amended Affidavit of Service filed 1/6/11
113.	Shapiro	28180/10	HSBC	11/16/10	12/6/10	No	No	Notice of Appearance filed 3/1/11
114.	Shapiro	28250/10	PHH Mortgage	11/17/10	1/11/11	No	No	Amended Affidavits of Service filed on 2/16/11, 2/22/11, 3/8/11
115.	Shapiro	28249/10	Deutsche Bank	11/17/10	1/5/11	No	No	
116.	Shapiro	28385/10	US Bank	11/18/10	11/24/10	No	No	Answer filed on 12/15/10
117.	Shapiro	28370/10	Deutsche Bank	11/17/10	1/24/11	4/7/11	Yes	RJI filed on 4/7/11
118.	Shapiro	28526/10	US Bank	11/19/10	12/31/10	No	No	
119.	Shapiro	28657/10	Wells F	11/22/10	1/25/11	No	No	Amended Affidavit of Service filed on 1/31/11
120.	Shapiro	28660/10	US Bank	11/22/10	12/7/10	No	No	Notice of Appearance filed on 1/7/11 Reply to Counterclaims filed on 1/11/11 Notice of Appearance filed on 2/22/11

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121.	Shapiro	28663/10	Wells F	11/22/10	12/13/10	No	No	Answer filed on 12/16/10 Amended Affidavits of service filed on 1/11/11, 1/14/11, 1/18/11, 1/27/11
122.	Shapiro	28847/10	Fannie Mae	11/23/10	12/28/10	No	No	Verified answer filed on 12/30/10 Reply filed on 1/14/11
123.	Shapiro	29048/10	US Bank	11/26/10	12/15/10	No	No	Notice of Appearance filed on 1/4/11
124.	Sweeney	26949/10	Citimtg	11/1/10	11/17/10	No	No	
125.	Sweeney	27275/10	Citibank	11/3/10	12/2/10	5/11/11	Yes	Notices of Appearance filed on 12/2/10 and 12/16/10 Answer an Interrogatories filed on 12/16/10 Consent to change attorney filed on 2/10/10 RJI filed on 5/11/11
126.	Sweeney	27751/10	Citimtg	11/10/10	11/18/10	No	No	
127.	Sweeney	27911/10	Citimtg	11/10/10	11/23/10	No	No	Voluntary Discontinuance filed on 3/3/11 Stip cancelling lis pendens filed 3/7/11
128.	Sweeney	27912/10	Citimtg	11/12/10	12/8/10	No	No	Answer filed on 12/9/10
129.	Sweeney	27914/10	Citibank	11/12/10	12/1/10	No	No	Additional affidavit of service filed on 2/24/11
130.	Sweeney	28094/10	Citimtg	11/15/10	12/1/10	No	No	Notice of appearance filed on 12/9/10
131.	Sweeney	28192/10	Citimtg	11/16/10	11/23/10	No	No	Additional affidavit of service filed on 1/3/11
132.	Sweeney	28696/10	Citimtg	11/22/10	12/9/10	No	No	
133.	Sweeney	28697/10	Citimtg	11/22/10	12/9/10	No	No	Notice of appearance filed on 12/9/10 and 3/15/11

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134.	Sweeney	29125/10	Citibank	11/29/10	12/5/10	No	No	
135.	Sweeney	29249/10	Citimtg	11/30/10	12/15/10	No	No	Notice of Appearance filed 3/15/11
136.	Dorf	26975/10	US Bank	11/1/10	1/21/10	No	No	
137.	Dorf	26976/10	HSBC	11/1/10	12/3/10	No	No	
138.	Dorf	27498/10	HSBC	11/8/10	11/18/10	No	No	
139.	Dorf	27500/10	Deutsche Bank	11/8/10	11/29/10	No	No	
140.	Dorf	27467/10	Deutsche Bank	11/8/10	12/7/10	No	No	
141.	Dorf	27499/10	Wells F	11/8/10	11/17/10	No	No	
142.	Dorf	28035/10	HSBC	11/15/10	12/6/10	No	No	
143.	Dorf	28359/10	Deutsche Bank	11/18/10	12/13/10	No	No	
144.	Dorf	28361/10	Deutsche Bank	11/18/10	12/1/10	No	No	Voluntary Discontinuance filed 1/25/11 Consent to Cancel Notice of Pendency filed 1/25/11
145.	Dorf	28362/10	HSBC	11/18/10	12/9/10	No	No	Notice of Appearance filed 2/10/11
146.	Dorf	28360/10	Deutsche Bank	11/18/10	12/1/10	No	No	
147.	Dorf	28743/10	Deutsche Bank	11/23/10	12/23/10	No	No	
148.	Dorf	29212/10	HSBC	11/30/10	12/10/10	No	No	
149.	Dorf	29214/10	HSBC	11/30/10	12/17/10	No	No	
150.	Dorf	29213/10	HSBC	11/30/10	12/17/10	No	No	Reply filed on 1/7/11 (no answer listed as filed)
151.	Dorf	29211/10	HSBC	11/30/10	12/17/10	No	No	
152.	Frenkel	27100/10	BofA	11/3/10	11/16/10	2/16/11	Yes	RJI filed on 2/16/11 Motion coverage filed 2/16/11
153.	Frenkel	27501/10	OneWest	11/8/10	12/7/10	No	No	

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154.	Frenkel	27609/10	OneWest	11/9/10	11/26/10	No	No	
155.	Frenkel	28176/10	Chase	11/16/10	12/6/10	No	No	
156.	Frenkel	28685/10	BofA	11/22/10	12/23/10	3/17/11	Yes	RJI Filed on 3/17/11 Motion coverage fee paid on 3/17/11
157.	Frenkel	28952/10	Deutsche Bank	11/24/10	12/13/10	No	No	
158.	Stein	27126/10	Chase	11/3/10	12/1/10	No	No	Answer filed on 12/22/10 Answer filed on 12/29/10
159.	Stein	27534/10	US Bank	11/8/10	11/19/10	No	No	
160.	Stein	27536/10	US Bank	11/8/10	11/29/10	No	No	Answer filed on 12/1/10
161.	Stein	27534/10	US Bank	11/8/10	11/19/10	No	No	
162.	Stein	28093/10	PHH	11/15/10	11/30/10	No	No	
163.	Stein	28308/10	Chase	11/17/10	12/10/10	No	No	
164.	Stein	28550/10	Onewest	11/19/10	12/3/10	No	No	Answer filed on 12/14/10
165.	Stein	28549/10	US Bank	11/19/10	12/17/10	No	No	
166.	Lynch	28988/10	Flushing Savings	11/24/10	12/22/10	3/4/11	Yes	RJI filed on 3/4/11 Motion COverage fee paid on 3/4/11
167.	Lynch	28989/10	Flushing Savings	11/24/10	12/13/10	No	No	
168.	Lynch	28523/10	Flushing Savings	11/19/10	12/15/10	No	No	Notice filed on 2/18/11 Consent to change attorney filed on 2/18/10
169.	Lynch	27709/10	Flushing Savings	11/10/10	11/24/10	No	No	
170.	May	28358/10	US Bank	11/18/10	12/6/10	1/19/11	Yes	Answer filed on 12/22/10 RJI filed on 1/19/10
171.	May	27878/10	US Bank	11/12/10	1/12/11	3/15/11	Yes	RJI filed on 3/15/10 F/C Affirmation filed on 3/15/10 Affidavit filed on 3/15/11



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172.	May	28994/10	Waterfall Victoria Master Fund	11/24/10	12/10/11	1/19/11	Yes	RJI Filed on 1/19/11
173.	May	28995/10	US Bank	11/24/10	12/10/10	2/1/11	Yes	RJI filed on 2/1/11 Reply filed on 4/13/11
174.	Weinreb	27881/20	Deutsche Bank	11/12/10	12/1/10	No		Answer filed on 12/6/10 Affidavit of Serviced filed on 12/8/10 Consent to change attorney filed on 1/6/11
175.	Weinreb	27879/10	WF	11/12/10	12/1/10	2/2/11	Yes	RJI filed on 2/2/11 Motion coverage fee paid on 2/2/11 Order to discontinue action filed on 3/10/11 Authorization to appear filed on 4/14/11 Notice of appearance filed on 4/14/11
176.	Steine	29113/10	Chase	11/29/10	12/22/10	No	No	
177.	Steine	29111/10	Chase	11/29/10	12/28/10	No	No	Answer filed on 12/28/10
178.	Druckman	27774/10	LNV	11/12/10	11/23/10	No	No	Notice of appearance filed on 2/16/11
179.	Druckman	28664/10	WF	11/22/10	12/16/10	No	No	Reply to counterclaims filed on 1/14/11
180.	Katz	29127/10	US Bank	11/29/10	12/16/10	No	No	Answer filed on 1/13/11
181.	McGlinchey	27276/10	Aurora	11/4/10	12/8/10	5/3/11	Yes	RJI filed on 5/3/11
182.	Davidson	27554/10	Citimtg	11/8/10	11/23/10	No	No	
183.	Roach	26974/10	HSBC	11/1/10	11/30/10	No	No	
184.	Knuckles	28175/10	Citiproperty	11/16/10	12/9/10	No	No	

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185.	Dorfman	28357/10	Deutshce Bank	11/18/10	12/10/10	No	No	Voluntary Discontinuance filed on 1/27/11 Cancel Lis Pendens filed on 1/27/11
186.	Berkman	28690/10	BofA	11/22/10	1/25/11	No	No	
187.	Masone	28694/10	Maspeth Federal	11/22/10	12/14/10	4/11/11	Yes	Reply filed on 1/10/11 RJI filed on 4/11/11

# **APPENDIX C**

## QUEENS FORECLOSURE CASES

*November 1, 2010 through November 30, 2010*

Foreclosure Cases Filed: 206

Number of Answers filed: 59 (28%)

Number of RJI's filed: 26 (10%)

Number of Discontinuances filed: 14 (6%)

Number of Cases that have Yet to Move Forward or Be Discontinued: 166 (81%)

### Foreclosure Activity by Firm

- *Steven J. Baum, P.C.* – 40 Cases (2 RJIs -- 5%)
- *Sweeny, Gallo, Reich & Bolz, LLP* – 28 Cases (2 RJI -- 7%)
- *Fein, Such & Crane, LLP* - 26 Cases (2 RJIs -- 8%)
  - A.K.A. – Relin, Goldstein & Crane, LLP and Fein, Such, Kahn & Shepard, P.C.
- *Shapiro, DiCaro & Barak, LLP* – 25 Cases (4 RJIs -- 16%)
- *McCabe, Weisberg & Conway, P.C.* – 19 Cases (6 RJIs -- 32%)
- *The Dorf Law Firm* – 19 Cases (1 RJI -- 5%)
- *Stein* – 5 Cases (0 RJIs -- 0%)
- *Frenkel* – 6 Cases (0 RJIs -- 0%)
- *Rosicki Rosicki & Associates, P.C.* – 7 Cases (4 RJIs -- 57%)
- *Jordan Katz* – 4 Cases (0 RJIs -- 0%)
- *Pincus* – 1 Case (0 RJIs -- 0%)
- *Gess, Gess* – 1 Case (0 RJIs -- 0%)
- *Berkman* – 3 Case (1 RJI -- 33%)
- *Delbello* – 1 Case (0 RJIs -- 0%)
- *Alan Weinreb* – 5 Case (1 RJIs -- 20%)
- *Druckman Law Group* – 7 Cases (0 RJIs -- 0%)
- *Davidson Fink LLP* – 2 Cases (1 RJI -- 50%)
- *Roach* – 1 Case (0 RJI -- 0%)
- *Steine* – 2 Cases (0 RJI -- 0%)
- *Solferino* – 1 Case (0 RJI -- 0%)
- *Sankel* – 1 Case (0 RJI -- 0%)
- *Sheldon May* – 1 Case (1 RJI --100%)
- *Schlesingert* – 1 Case (1 RJI -- 100%)

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	<b>Firm</b>	<b>Index #</b>	<b>Bank</b>	<b>Date Filed</b>	<b>Aff of Service</b>	<b>RJI</b>	<b>Ecourts Record</b>	<b>Other</b>
1.	Baum	27562/10	M & T	11/01/10	11/22/10	3/11/11	No	Answer filed 11/22/10 Bank filed RJI and Aff of Merit 03/11/11
2.	Baum	27563/10	Wells F	11/01/10	11/12/10	No	No	
3.	Baum	27734/10	Wells F	11/03/10	11/18/10	No	No	
4.	Baum	28075/10	CitiMtg	11/08/10	11/22/18	No	No	
5.	Baum	28208/10	Wells F	11/09/10	12/03/10	No	No	Answer filed 12/07/10
6.	Baum	28209/10	Wells F	11/09/10	11/22/10	No	No	Stip/Aff of Discontinuance filed 02/09/11
7.	Baum	28210/10	Wells F	11/09/10	11/22/10	No	No	
8.	Baum	28359/10	CitiMtg	11/10/10	12/01/10	No	No	
9.	Baum	28503/10	Wells F	11/12/10	11/24/10	No	No	
10.	Baum	28505/10	Wells F	11/12/10	11/23/10	No	No	Answer filed 12/06/10
11.	Baum	28509/10	HSBC	11/12/10	11/24/10	No	No	
12.	Baum	28512/10	CitiMtg	11/12/10	11/22/10	No	No	
13.	Baum	28640/10	Wells F	11/15/10	11/26/10	No	No	
14.	Baum	28642/10	Wells F	11/15/10	11/24/10	No	No	
15.	Baum	28643/10	CitiMtg	11/15/10	11/30/10	No	No	Answer filed 12/03/10
16.	Baum	28644/10	GMAC	11/15/10	12/16/10	No	No	
17.	Baum	28900/10	Wells F	11/17/10	11/26/10	No	No	
18.	Baum	28901/10	Wells F	11/17/10	11/24/10	No	No	
19.	Baum	28903/10	Wells F	11/17/10	11/26/10	No	No	Answer filed 12/3/10
20.	Baum	28905/10	PNC	11/17/10	11/26/10	No	No	Answer filed 12/9/10
21.	Baum	28907/10	CitiMtg	11/17/10	12/14/10	No	No	
22.	Baum	29053/10	Wells F	11/18/10	12/3/10	No	No	
23.	Baum	29143/10	Wells F	11/19/10	12/10/10	No	No	Answer & Counterclaims filed 12/28/10 Reply to Counterclaims filed 12/30/10 Notice of Appearance filed 1/27/11

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	<b>Firm</b>	<b>Index #</b>	<b>Bank</b>	<b>Date Filed</b>	<b>Aff of Service</b>	<b>RJI</b>	<b>Ecourts Record</b>	<b>Other</b>
24.	Baum	29144/10	Wells F	11/19/10	12/10/10	No	No	
25.	Baum	29264/10	Wells F	11/22/10	12/3/10	No	No	Notice of Appearance filed 2/4/11
26.	Baum	29406/10	Wells F	11/23/10	12/3/10	No	No	Stip/Aff of Discontinuance filed 3/3/11
27.	Baum	29598/10	Wells F	11/24/10	12/15/10	No	No	
28.	Baum	29599/10	Wells F	11/24/10	12/7/10	No	No	Answer filed 12/8/10
29.	Baum	29600/10	Wells F	11/24/10	12/9/10	No	No	Notice of Appearance filed 3/10/11
30.	Baum	29761/10	Wells F	11/29/10	12/13/10	No	No	Notices of Appearance filed 12/15/10 & 3/10/11
31.	Baum	29759/10	Wells F	11/29/10	12/16/10	No	No	Answer filed on 12/17/10
32.	Baum	29760/10	Wells F	11/29/10	12/10/10	No	No	Answer filed 12/20/10 Notices of Appearance filed on 12/15/10; 12/20/10; 1/3/11; 1/10/11; 1/18/11 Reply to Counterclaims filed 1/20/11
33.	Baum	29762/10	CitiMtg	11/29/10	12/16/10	No	No	Notices of Appearance filed on 12/28/10 & 3/25/10
34.	Baum	29763/10	Citibank	11/29/10	12/10/10	No	No	Answer filed 12/15/10 Stip/Aff of Discontinuance filed 3/9/11
35.	Baum	29764/10	M & T	11/29/10	1/3/11	05/05/11	No	Bank filed RJI on 4/5/11
36.	Baum	29766/10	US Bank	11/29/10	12/23/10	No	No	
37.	Baum	29767/10	Midfirst	11/29/10	12/13/10	No	No	Answer filed on 1/7/11 LP re-filed on 2/16/11 & 3/28/11
38.	Baum	29879/10	Wells F	11/30/10	2/3/11	No	No	Notice of Appearance filed 3/25/11
39.	Baum	29880/10	Wells F	11/30/10	12/13/10	No	No	Stip/Aff of Discontinuance filed 2/14/11
40.	Baum	29881/10	Wells F	11/30/10	12/16/10	No	No	Answer filed 12/30/10 Stip/Aff of Discontinuance filed

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	<b>Firm</b>	<b>Index #</b>	<b>Bank</b>	<b>Date Filed</b>	<b>Aff of Service</b>	<b>RJI</b>	<b>Ecourts Record</b>	<b>Other</b>
41.	Sweeney	27529/10	CitiMtg	11/01/10	11/10/10	No	No	2/25/11 Notice of Appearance filed 02/22/11
42.	Sweeney	27542/10	CitiMtg	11/01/10	11/22/10	6/9/11	Yes	RJI filed on 6/9/11
43.	Sweeney	27706/10	CitiMtg	11/03/10	11/15/10	No	No	
44.	Sweeney	27707/10	CitiMtg	11/03/10	12/13/10	No	No	Notices of App filed 11/22/10 & 02/16/11
45.	Sweeney	27708/10	CitiMtg	11/03/10	11/12/10	No	No	Notices of App filed 12/10/10 & 04/04/11
46.	Sweeney	27873/10	CitiMtg	11/04/10	11/12/10	No	No	Answer filed 12/08/10
47.	Sweeney	27875/10	CitiMtg	11/04/10	11/16/10	No	No	
48.	Sweeney	27953/10	CitiMtg	11/05/10	11/22/10	No	No	
49.	Sweeney	27954/10	CitiMtg	11/05/10	12/22/10	No	No	
50.	Sweeney	28053/10	CitiMtg	11/08/10	11/16/10	No	No	
51.	Sweeney	28056/10	CitiMtg	11/08/10	11/30/10	04/14/11	Yes	Homeowner filed RJI/MTD 04/14/11
52.	Sweeney	28342/10	CitiMtg	11/10/10	11/22/10	No	No	
53.	Sweeney	28343/10	CitiMtg	11/10/10	12/01/10	No	No	
54.	Sweeney	28436/10	CitiMtg	11/12/10	11/22/10	No	No	
55.	Sweeney	28467/10	CitiMtg	11/12/10	11/17/10	No	No	
56.	Sweeney	28468/10	CitiMtg	11/12/10	12/13/10	No	No	
57.	Sweeney	28794/10	CitiMtg	11/16/10	12/13/10	No	No	Answer filed 01/11/11
58.	Sweeney	28797/10	CitiMtg	11/16/10	11/29/10	No	No	
59.	Sweeney	28799/10	CitiMtg	11/16/10	12/01/10	No	No	
60.	Sweeney	29061/10	CitiMtg	11/18/10	11/29/10	No	No	
61.	Sweeney	29572/10	CitiMtg	11/24/10	12/02/10	No	No	
62.	Sweeney	29753/10	CitiCorp	11/29/10	12/07/10	No	No	
63.	Sweeney	29754/10	CitiMtg	11/29/10	12/08/10	No	No	
64.	Sweeney	29780/10	CitiMtg	11/29/10	12/10/10	No	No	Answer filed 12/17/10
65.	Sweeney	29781/10	CitiMtg	11/29/10	12/21/10	No	No	Answer filed 12/21/10

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	<b>Firm</b>	<b>Index #</b>	<b>Bank</b>	<b>Date Filed</b>	<b>Aff of Service</b>	<b>RJI</b>	<b>Ecourts Record</b>	<b>Other</b>
66.	Sweeney	29782/10	CitiMtg	11/29/10	12/13/10	No	No	Answer filed 12/20/10 Notice of Appearance filed 03/10/11
67.	Sweeney	29780/10	CitiMtg	11/29/10	12/10/10	No	No	Answer filed 12/17/10
68.	Sweeney	29894/10	CitiMtg	11/30/10	12/08/10	No	No	Answer filed 12/23/10
69.	Fein	27523/10	Deutsche	11/01/10	11/09/10	No	No	
70.	Fein	27680/10	Wells F	11/03/10	11/15/10	No	No	Answer filed 11/29/10
71.	Fein	27725/10	RBS	11/03/10	11/19/10	12/29/10	Yes	Answer filed 11/22/10 Homeowner filed RJI 12/29/10 First Settlement Conf on 04/20/11
72.	Fein	27730/10	HSBC	11/03/10	11/17/10	No	No	
73.	Fein	27833/10	OneWest	11/04/10	11/12/10	No	No	
74.	Fein	27928/10	OneWest	11/05/10	11/12/10	No	No	
75.	Fein	28067/10	US Bank	11/08/10	12/03/10	No	No	Notice of Appearance filed 02/22/11
76.	Fein	28196/10	HSBC	11/09/10	11/17/10	No	No	
77.	Fein	28337/10	HSBC	11/10/10	12/03/10	No	No	Notice of Appearance filed 04/06/11
78.	Fein	28341/10	Deutsche	11/10/10	11/17/10	No	No	Answer filed 01/11/11
79.	Fein	28442/10	Aurora	11/12/10	11/22/10	No	No	Answer filed 12/02/10
80.	Fein	28444/10	HSBC	11/12/10	11/18/10	No	No	
81.	Fein	28630/10	OneWest	11/15/10	11/30/10	No	No	Notice of Appearance filed 03/04/11
82.	Fein	28792/10	OneWest	11/16/10	11/29/10	No	No	Notice of Appearance filed 12/03/10
83.	Fein	28891/10	HSBC	11/17/10	12/01/10	No	No	Answer filed 12/21/10 Reply filed 12/30/10
84.	Fein	28942/10	Wells F	11/17/10	11/26/10	No	No	
85.	Fein	29013/10	GMAC	11/18/10	11/30/10	04/20/11	Yes	Answer filed 12/10/11 Unknown which party filed RJI



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86.	Fein	29259/10	GMAC	11/22/10	12/01/10	No	No	
87.	Fein	29260/10	Aurora	11/22/10	12/03/10	No	No	
88.	Fein	29262/10	Deutsche	11/22/10	12/21/10	No	No	
89.	Fein	29533/10	CitiBank	11/24/10	12/13/10	No	No	
90.	Fein	29570/10	Chase	11/24/10	12/07/10	No	No	
91.	Fein	29750/10	Chase	11/29/10	12/06/10	No	No	
92.	Fein	29752/10	Chase	11/29/10	12/14/10	No	No	
93.	Fein	29889/10	Household	11/30/10	04/05/11	No	No	
94.	Fein	29890/10	Deutsche	11/30/10	01/03/11	No	No	Answer filed 01/13/11
95.	McCabe	27763/10	Wells F	11/03/10	11/18/10	No	No	
96.	McCabe	27765/10	B of A	11/03/10	11/18/10	No	No	
97.	McCabe	27766/10	Flagstar	11/03/10	12/02/11	02/22/11	Yes	Bank filed RJI and Aff of Merit 02/22/11 (bank sought to amend complaint – denied) Bank filed RJI and Aff of Merit 02/15/10
98.	McCabe	27767/10	Flagstar	11/03/10	11/23/10	02/15/10	No	Bank filed RJI and Aff of Merit 02/15/10
99.	McCabe	27857/10	Wells F	11/04/10	02/02/11	No	No	Stip/Aff of Discontinuance filed 04/06/11
100.	McCabe	28246/10	US Bank	11/09/10	11/18/10	No	No	
101.	McCabe	28923/10	HSBC	11/17/10	12/29/11	01/24/11	Yes	Homeowner filed RJI & Motion to Dismiss 01/24/11
102.	McCabe	28294/10	HSBC	11/17/10	11/22/10	4/29/11	Yes	Answer filed 12/01/10 RJI filed on 4/29/11
103.	McCabe	28925/10	HSBC	11/17/10	12/29/10	No	No	
104.	McCabe	28926/10	Deutsche	11/17/10	12/02/10	No	No	Stip of Discontinuance filed 03/29/11
105.	McCabe	29003/10	Deutsche	11/18/10	12/02/10	No	No	Notice of Appearance filed 12/29/10
106.	McCabe	29064/10	Deutsche	11/18/10	12/01/10	No	No	Answer filed 02/02/11
107.	McCabe	29254/10	B of A	11/22/10	12/01/10	No	No	Answer filed 12/02/10

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108.	McCabe	29255/10	Deutsche	11/22/10	12/14/10	No	No	
109.	McCabe	29276/10	Flagstar	11/22/10	12/01/10	02/15/11	Yes	Answer filed 02/02/10 Bank filed RJI & Mtn to Amend 02/15/11 Bank filed amended complaint 03/09/11 Bank filed affs of service by 03/29/11 Amended Answer filed 04/05/11
110.	McCabe	29277/10	HSBC	11/22/10	12/06/10	No	No	
111.	McCabe	29446/10	US Bank	11/23/10	12/07/10	5/16/11	Yes	Answer filed 01/06/11 RJI filed on 5/16/11
112.	McCabe	29748/10	Deutsche	11/29/10	04/21/11	No	No	
113.	McCabe	29807/10	Deutsche	11/29/10	12/21/10	No	No	Answer filed 01/11/11 Notice of Appearance filed 03/10/11
114.	Dorf	28138/10	HSBC	11/08/10	12/01/10	No	No	Answer filed 12/06/11 Notice of Appearance filed 03/04/11
115.	Dorf	28490/10	HSBC	11/12/10	12/17/10	No	No	
116.	Dorf	28491/10	HSBC	11/12/10	11/30/10	No	No	
117.	Dorf	28662/10	Deutsche	11/15/10	12/16/10	No	No	
118.	Dorf	28665/10	HSBC	11/15/10	11/24/10	No	No	Stip of Discontinuance filed 03/15/11
119.	Dorf	28669/10	B of A	11/15/10	12/03/10	No	No	Answer filed 12/09/10
120.	Dorf	29167/10	Deutsche	11/19/10	12/17/10	No	No	
121.	Dorf	29170/10	Deutsche	11/19/10	12/01/10	No	No	
122.	Dorf	29173/10	Deutsche	11/19/10	12/20/10	No	No	Affirmation Discontinuing Action 02/01/11
123.	Dorf	29175/10	Deutsche	11/19/10	12/06/10	No	No	

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124.	Dorf	29179/10	HSBC	11/19/10	12/07/10	No	No	
125.	Dorf	29407/10	HSBC	11/23/10	12/10/10	No	No	
126.	Dorf	29409/10	HSBC	11/23/10	12/10/10	03/07/11	Yes	Answer filed 01/07/11 Homeowner (by MFY) filed RJI Answer filed 12.20.10
127.	Dorf	29410/10	HSBC	11/23/10	12/20/10	No	No	
128.	Dorf	29411/10	US Bank	11/23/10	12/10/10	No	No	
129.	Dorf	29412/10	Deutsche	11/23/10	12/08/10	No	No	
130.	Dorf	29574/10	US Bank	11/24/10	12/17/10	No	No	
131.	Dorf	29900/10	HSBC	11/30/10	12/08/10	No	No	
132.	Dorf	29902/10	HSBC	11/30/10	01/06/11	No	No	
133.	Shapiro	28451/10	US Bank	11/12/10	11/24/10	No	No	
134.	Shapiro	28471/10	Deutsche	11/12/10	01/11/11	No	No	
135.	Shapiro	28472/10	Deutsche	11/12/10	12/15/10	No	No	
136.	Shapiro	28473/10	HSBC	11/12/10	11/22/10	03/09/11	Yes	Bank filed RJI and Aff of Merit 03/09/11 Case sent to SCP 05/05/11
137.	Shapiro	28475/10	HSBC	11/12/10	No	No	No	Stip of Discontinuance filed 02/21/10
138.	Shapiro	28477/10	US Bank	11/12/10	01/06/11	No	No	
139.	Shapiro	28889/10	US Bank	11/17/10	01/13/11	No	No	
140.	Shapiro	28890/10	US Bank	11/17/10	11/30/10	No	No	“Reply” filed 12/22/10 Notice of Appearance filed 01/10/11
141.	Shapiro	29007/10	US Bank	11/18/10	01/13/11	No	No	
142.	Shapiro	29028/10	Fannie Mae	11/18/10	01/07/11	No	No	
143.	Shapiro	29129/10	US Bank	11/19/10	01/07/11	No	No	
144.	Shapiro	29130/10	US Bank	11/19/10	12/13/10	No	No	Answer filed 12/1/10
145.	Shapiro	29180/10	Fannie Mae	11/19/10	02/16/11	No	No	
146.	Shapiro	29390/10	Deutsche	11/23/10	01/06/11	No	No	
147.	Shapiro	29443/10	PHH Mtg	11/23/10	01/07/11	No	No	“Reply” filed 02/04/11

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	<b>Firm</b>	<b>Index #</b>	<b>Bank</b>	<b>Date Filed</b>	<b>Aff of Service</b>	<b>RJI</b>	<b>Ecourts Record</b>	<b>Other</b>
148.	Shapiro	29444/10	Fannie Mae	11/23/10	12/09/10	5/13/11	Yes	Answer filed 12/23/10 RJI filed on 5/13/11
149.	Shapiro	29560/10	Fannie Mae	11/24/10	01/07/11	6/2/11	Yes	RJI filed on 6/2/11
150.	Shapiro	29562/10	HSBC	11/24/10	01/13/11	No	No	Answer filed 02/04/11
151.	Shapiro	29565/10	HSBC	11/24/10	01/07/11	No	No	
152.	Shapiro	29566/10	BNY	11/24/10	01/06/11	No	No	Answer filed 02/10/11 Answer (verified) filed 03/03/11 Verified Reply filed 03/29/11
153.	Shapiro	29568/10	US Bank	11/24/10	01/06/11	No	No	
154.	Shapiro	29687/10	Chase	11/26/10	12/07/10	No	No	Answer filed 12/13/10
155.	Shapiro	29688/10	HSBC	11/26/10	01/07/11	No	No	
156.	Shapiro	29891/10	PHH Mtg	11/30/10	No	No	No	Stip of Discontinuance filed 12/21/10
157.	Shapiro	29905/10	US Bank	11/30/10	01/07/11	04/11/11	Yes	Unknown which party filed RJI
158.	Stein	27704/10	OneWest	11/03/10	11/10/10	No	No	Answer filed 11/17/10
159.	Stein	27705/10	Chase	11/03/10	11/17/10	No	No	Notices of App filed 11/18/10 & 11/22/10
160.	Stein	27876/10	OneWest	11/04/10	11/17/10	No	No	Answer filed 12/13/10
161.	Stein	28220/10	US Bank	11/09/10	11/17/10	No	No	Notice of Appearance filed 02/28/11
162.	Stein	28465/10	US Bank	11/12/10	11/18/10	No	No	Notice of Appearance filed 03/04/11
163.	Frenkel	27525/10	Bank of NY	11/01/10	11/17/10	No	No	Answer filed 12/06/10
164.	Frenkel	28185/10	Wells F	11/09/10	11/26/10	No	No	
165.	Frenkel	28198/10	Deutsche	11/09/10	12/21/10	No	No	
166.	Frenkel	28770/10	B of A	11/16/10	11/23/10	No	No	
167.	Frenkel	28894/10	JP Morgan	11/17/10	01/12/11	No	No	
168.	Frenkel	29686/10	Deutsche	11/26/10	01/12/11	No	No	
169.	Rosicki	27503/10	Bank	11/01/10	11/17/10	12/21/10	Yes	Answer filed 11/23/10

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	<b>Firm</b>	<b>Index #</b>	<b>Bank</b>	<b>Date Filed</b>	<b>Aff of Service</b>	<b>RJI</b>	<b>Ecourts Record</b>	<b>Other</b>
			United					Bank filed RJI and Aff of Merit 12/21/10 Case transferred to SCP 04/19/11
170.	Rosicki	28203/10	Flagstar	11/09/10	11/22/10	12/14/10	Yes	Bank filed RJI and Aff of Merit 12/14/10 Case transferred to SCP 04/19/11
171.	Rosicki	28941/10	CitiMtg	11/17/10	12/14/10	No	No	
172.	Rosicki	29058/10	US Bank	11/18/10	12/01/01	No	No	
173.	Rosicki	29445/10	MetLife	11/23/10	12/07/10	No	No	Aff/Stip of Discontinuance filed 01/21/11 Notice of Appearance filed 03/10/11
174.	Rosicki	29847/10	DLJ Mtg	11/30/10	12/08/10	01/05/11	Yes	Plaintiff probably filed RJI because there is an Affirmation filed the same date
175.	Rosicki	29848/10	11/30/10	12/28/10	01/13/11	01/13/11	Yes	Plaintiff probably filed RJI because there is a "Foreclosure Affirmation" filed the same date. Answer filed 03/21/11.
176.	Katz	27528/10	US Bank	11/01/10	11/10/10	No	No	Answer filed 11/19/10
177.	Katz	28488/10	Deutsche	11/12/10	12/03/10	No	No	Answer filed 12/22/10
178.	Katz	29010/10	US Bank	11/18/10	12/02/10	No	No	Answer filed 12/20/10
179.	Katz	29359/10	Deutsche	11/23/10	12/23/10	No	No	
180.	Druckman	28892/10	Wells F	11/17/10	11/30/10	No	No	Answer filed 12/15/10
181.	Druckman	28893/10	Wells F	11/17/10	No	No	No	
182.	Druckman	29006/10	Wells F	11/18/10	11/30/10	No	No	Answer filed 12/06/10 Notice of Appearance filed 01/05/11

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	<b>Firm</b>	<b>Index #</b>	<b>Bank</b>	<b>Date Filed</b>	<b>Aff of Service</b>	<b>RJI</b>	<b>Ecourts Record</b>	<b>Other</b>
183.	Druckman	29126/10	Wells F	11/19/10	03/01/11	No	No	
184.	Druckman	29257/10	Wells F	11/22/10	12/06/10	No	No	Answer filed 12/07/10
185.	Druckman	29392/10	Wells F	11/23/10	12/21/10	No	No	
186.	Druckman	29571/10	BNY	11/24/10	12/13/10	No	No	Answer filed 12/16/10
187.	Pincus	27832/10	HSBC	11/05/10	11/10/10	No	No	
188.	Gess	27890/10	RBS	11/04/10	12/10/10	No	No	
189.	Berkman	28148/10	HSBC	11/08/10	12/17/10	No	No	Aff/Stip of Discontinuance filed 01/11/11 Notice of Appearance filed 02/22/11
190.	Berkman	28830/10	BAC	11/16/10	11/23/10	02/07/11	Not as of 05/03	Unknown which party filed RJI Notice of Appearance filed 03/04/11
191.	Berkman	29530/10	BAC	11/24/10	12/10/10	No	No	Notices of Appearance filed 12/16/10, 12/28/10 and 03/10/11
192.	Delbello	28402/10	Wells F	11/12/10	No	No	No	
193.	Weinreb	28289/10	Deutsche	11/12/10	12/08/10	5/23/11	Yes	RJI filed on 5/23/11
194.	Weinreb	28807/10	US Bank	11/16/10	12/06/10	No	No	
195.	Weinreb	28809/10	Deutsche	11/16/10	12/01/10	No	No	
196.	Weinreb	29166/10	Wells F	11/19/10	12/10/10	No	No	
197.	Weinreb	29575/10	Deutsche	11/24/10	12/22/10	No	No	
198.	Davidson	28895/10	US Bank	11/17/10	11/30/10	03/15/11	Yes	Unknown which party filed RJI
199.	Davidson	29268/10	US Bank	11/22/10	12/02/10	No	No	Stipulation to Discontinue filed 01/05/11
200.	Roach	28938/10	Deutsche	11/17/10	11/30/10	No	No	
201.	Stein	29573/10	US Bank	11/24/10	12/08/10	No	No	Stipulation to Discontinue filed

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	<b>Firm</b>	<b>Index #</b>	<b>Bank</b>	<b>Date Filed</b>	<b>Aff of Service</b>	<b>RJI</b>	<b>Ecourts Record</b>	<b>Other</b>
								03/07/11
202.	Stein	29136/10	US Bank	11/19/10	12/07/10	No	No	Answer filed 12/17/10
203.	Solferino	29393/10	US Bank	11/23/10	12/06/10	No	No	Answer filed 12/13/10
204.	Sankel	29666/10	HSBC	11/26/10	12/15/10	No	No	
205.	Sheldon	29799/10	US Bank	11/29/10	12/17/10	01/13/11	Yes	Answer filed 12/21/10 Answer filed 03/12/11 Unknown which party filed RJI
206.	Schlesinger	28871/10	Greenpoint	11/17/10	12/07/10	02/18/11	Yes	Answer filed 12/30/10 Bank filed RJI in conjunction with motion to appoint referee Affidavits filed 03/30 and 04/18

# **APPENDIX D**



**BROOKLYN FORECLOSURE CASES**  
*March 1, 2011 through March 31, 2011*

Foreclosure Cases/Activity: 234

Number of Answers filed: 38 (16%)

Number of RJI's filed: 21 (9%)

Number of Discontinuances filed: 0 (0%)

Number of Cases that have Yet to Move Forward or Be Discontinued: 213 (91%)

Foreclosure Activity by Firm

- ***Steven J. Baum, P.C.*** – 30 Cases (6 RJIs -- 20%)
- ***Fein, Such & Crane, LLP*** - 35 Cases (1 RJIs -- 3%)
  - A.K.A. – Relin, Goldstein & Crane, LLP and Fein, Such, Kahn & Shepard, P.C.
- ***Shapiro, DiCaro & Barak, LLP*** – 36 Cases (3 RJIs -- 8%)
- ***Rosicki Rosicki & Associates, P.C.*** – 38 Cases (5 RJIs – 13%)
- ***McCabe, Weisberg & Conway, P.C.*** – 15 Cases (0 RJIs -- 0%)
- ***The Dorf Law Firm*** – 23 Cases (0 RJI -- 0%)
- ***Frenkel*** – 8 Cases (1 RJIs -- 13%)
- ***Stein*** – 7 Cases (1 RJIs -- 14%)
- ***DeRose*** – 4 Cases (0 RJI -- 0%)
- ***Alan Weinreb*** – 6 Case (0 RJIs -- 0%)
- ***Jordan Katz*** – 1 Cases (0 RJIs -- 0%)
- ***Steine*** – 8 Cases (0 RJI -- 0%)
- ***Berkman*** – 3 Case (0 RJI -- 0%)
- ***Druckman Law Group*** – 3 Cases (0 RJIs -- 0%)
- ***Davidson Fink LLP*** – 1 Cases (0 RJI -- 0%)
- ***Stagg*** – 2 Cases (1 RJI -- 50%)
- ***Harris Chesworth*** – 1 Cases (0 RJI -- 0%)
- ***Schiller*** – 2 Cases (0 RJI -- 0%)
- ***Platzer*** – 1 Case (0 RJI -- 0%)
- ***Weisberg*** – 2 Case (0 RJI -- 0%)
- ***Sheldon May*** – 1 Cases (0 RJI -- 0%)
- ***Cohn & Roth*** – 1 Cases (1 RJI -- 100%)
- ***Roach*** – 1 Case (0 RJI -- 0%)
- ***Kriss*** – 1 Case (0 RJI -- 0%)
- ***David Rosenblum*** – 1 Case (1 RJI -- 100%)
- ***Jaspan*** – 1 Case (1 RJI -- 100%)
- ***Hiscock*** – 1 Case (0 RJI -- 0%)
- ***Graham*** – 1 Case (0 RJI -- 0%)

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	Firm	Index #	Bank	Date Filed	Aff of Service	RJI	Ecourts Record	Other
1.	Baum	4687/11	Wells F	3/1/11	3/25/11	No	No	
2.	Baum	4915/11	Bank of NY	3/3/11	3/15/11	No	No	
3.	Baum	5044/11	Wells F	3/4/11	3/14/11	No	No	
4.	Baum	5245/11	Wells F	3/8/11	3/17/11	No	No	
5.	Baum	5246/11	Wells F	3/8/11	3/21/11	No	No	
6.	Baum	5244/11	Wells F	3/8/11	3/17/11	No	No	
7.	Baum	5435/11	Metlife	3/9/11	3/18/11	No	No	Answer filed on 4/1/11
8.	Baum	5548/11	Wells F	3/10/11	3/25/11	5/23/11	Yes	RJI Filed on 5/23/11
9.	Baum	5791/11	Wells F	3/14/11	3/25/11	No	No	
10.	Baum	5760/11	Wells F	3/14/11	3/24/11	5/5/11	Yes	RJI Filed 5/5/11
11.	Baum	5768/11	Wells F	3/14/11	3/23/11	No	No	
12.	Baum	5907/11	Aurora	3/15/11	3/25/11	No	No	Answer filed on 3/30/11
13.	Baum	5981/11	US Bank	3/16/11	3/23/11	No	No	
14.	Baum	5982/11	Everhome	3/16/11	3/30/11	6/7/11	Yes	RJI Filed on 6/7/11
15.	Baum	6098/11	Wells F	3/17/11	3/29/11	No	No	
16.	Baum	6191/11	Citimtg	3/18/11	3/30/11	4/22/11	Yes	RJI filed by P with Aff
17.	Baum	7224/11	BofA	3/30/11	4/11/11	No	No	
18.	Baum	6366/11	GMAC	3/21/11	3/30/11	6/10/11	Yes	Answer filed 4/1/11 RJI Filed on 6/10/11
19.	Baum	6324/11	Wells F	3/21/11	3/30/11	No	No	
20.	Baum	6703/11	Wells F	3/24/11	4/11/11	No	No	
21.	Baum	6701/11	Wells F	3/24/11	4/7/11	No	No	
22.	Baum	6835/11	OneWest	3/25/11	NONE	No	No	
23.	Baum	6976/11	Wells F	3/28/11	4/20/11	No	No	
24.	Baum	7130/11	US Bank	3/29/11	4/7/11	6/7/11	Yes	RJI Filed on 6/7/11
25.	Baum	7184/11	Wells F	3/30/11	4/12/11	No	No	
26.	Baum	7186/11	HSBC	3/30/11	4/12/11	No	No	
27.	Baum	7344/11	Wells F	3/31/11	4/19/11	No	No	
28.	Baum	7295/11	HSBC	3/31/11	4/11/11	No	No	
29.	Baum	7297/11	Wells F	3/31/11	4/13/11	No	No	

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	Firm	Index #	Bank	Date Filed	Aff of Service	RJI	Ecourts Record	Other
30.	Baum	7294/11	Wells F	3/31/11	4/11/11	No	No	
31.	Fein	4731/11	BofA	3/1/11	3/22/11	No	No	Answer filed on 4/4/11
32.	Fein	4727/11	BofA	3/1/11	3/9/11	No	No	Reply filed on 3/28/11
33.	Fein	4729/11	Chase	3/1/11	3/7/11	No	No	Answer filed on 4/5/11
34.	Fein	4725/11	Chase	3/1/11	3/7/11	No	No	
35.	Fein	4730/11	WM Spl	3/1/11	3/15/11	No	No	Notice of Appearance filed on 3/16/11
36.	Fein	4726/11	PNC	3/1/11	3/28/11	No	No	Answer filed on 4/12/11
37.	Fein	4827/11	Chase	3/2/11	3/15/11	No	No	
38.	Fein	4953/11	Deutsche	3/3/11	3/21/11	No	No	
39.	Fein	4955/11	Deutsche	3/3/11	3/18/11	No	No	Answer filed on 3/22/11 Amended Answer filed on 4/11/11
40.	Fein	5062/11	US Bank	3/4/11	3/17/11	No	No	Answer filed on 3/30/11
41.	Fein	5074/11	Chase	3/4/11	3/14/11	6/10/11	Yes	Answer filed on 3/22/11 RJI filed on 6/10/11
42.	Fein	5061/11	Chase	3/4/11	3/14/11	No	No	
43.	Fein	5172/11	BofA	3/7/11	3/21/11	No	No	Answer filed on 3/31/11
44.	Fein	5204/11	HSBC	3/7/11	3/14/11	No	No	Answer filed on 4/7/11 Reply filed on 4/14/11
45.	Fein	5205/11	Onewest	3/7/11	3/21/11	No	No	Notice of Appearance filed on 3/24/11
46.	Fein	5292/11	Chase	3/8/11	3/21/11	No	No	Answer filed on 3/30/11
47.	Fein	5305/11	PNC	3/8/11	4/15/11	No	No	
48.	Fein	5304/11	PNC	3/8/11	3/31/11	No	No	Notice of Appearance filed on 4/13/11
49.	Fein	5541/11	Chase	3/10/11	3/21/11	No	No	
50.	Fein	5696/11	Chase	3/11/11	3/22/11	No	No	Notice of Appearance filed on 4/12/11
51.	Fein	5799/11	BofA	3/14/11	3/22/11	No	No	
52.	Fein	5905/11	Chase	3/15/11	3/29/11	No	No	
53.	Fein	6011/11	Chase	3/16/11	3/28/11	No	No	Answer filed on 4/1/11 Verified Answer filed on 4/11/11 Reply filed on 4/12/11
54.	Fein	6113/11	Wells F	3/17/11	3/31/11	No	No	

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	Firm	Index #	Bank	Date Filed	Aff of Service	RJI	Ecourts Record	Other
55.	Fein	6264/11	Chase	3/18/11	3/28/11	No	No	
56.	Fein	6299/11	BofA	3/18/11	3/31/11	No	No	
57.	Fein	6504/11	Saxon	3/22/11	3/31/11	No	No	
58.	Fein	6487/11	Chase	3/22/11	3/31/11	No	No	
59.	Fein	6829/11	Chase	3/25/11	3/31/11	No	No	
60.	Fein	7134/11	Chase	3/29/11	4/11/11	No	No	Answer filed on 4/15/11
61.	Fein	7132/11	BofA	3/29/11	4/13/11	No	No	
62.	Fein	7271/11	Chase	3/30/11	4/7/11	No	No	Answer with counterclaims filed on 4/11/11
63.	Fein	7270/11	Chase	3/30/11	4/11/11	No	No	
64.	Fein	7269/11	PNC	3/30/11	4/7/11	No	No	
65.	Fein	7378/11	Chase	3/31/11	4/6/11	No	No	
66.	Rosicki	4746/11	Chase	3/1/11	3/10/11	No	No	Verified answer filed on 3/24/11 Reply to Counterclaim and afft of service 4/8/11
67.	Rosicki	4882/11	Flagstar Bank FSB	3/2/11	3/11/11	3/25/11	Yes	RJI filed on 3/25/11
68.	Rosicki	4883/11	Nationstar Mortgage	3/2/11	3/22/11	No	No	
69.	Rosicki	4883/11	Notionstar Mortgage	3/2/11	3/22/11	No	No	
70.	Rosicki	4975/11	US Bank	3/3/11	3/18/11	No	No	
71.	Rosicki	4977/11	Chase	3/3/11	3/14/11	No	No	Answer filed on 4/5/11
72.	Rosicki	4976/11	Fifth Third	3/3/11	3/14/11	No	No	
73.	Rosicki	5114/11	Bayview	3/4/11	3/16/11	No	No	
74.	Rosicki	5111/11	Bankunited	3/4/11	3/14/11	4/14/11	Yes	RJI filed on 4/14/11 Motion Coverage Fee 4/14/11
75.	Rosicki	5212/11	Freedom	3/7/11	3/23/11	No	No	
76.	Rosicki	5214/11	BofNY	3/7/11	3/18/11	No	No	Answer filed on 3/29/11

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	Firm	Index #	Bank	Date Filed	Aff of Service	RJI	Ecourts Record	Other
77.	Rosicki	5394/11	Kondaur Capital	3/8/11	4/6/11	No	No	Reply to counterclaim 4/14/11
78.	Rosicki	5393/11	Mariner	3/8/11	3/17/11	No	No	
79.	Rosicki	5692/11	Chase	3/11/11	3/29/11	6/10/11	Yes	RJI filed on 6/10/11
80.	Rosicki	5694/11	Chase	3/11/11	3/29/11	No	No	Answer filed on 3/29/11
81.	Rosicki	5695/11	Chase	3/11/11	3/29/11	No	No	
82.	Rosicki	5808/11	PNC Bank	3/14/11	3/28/11	No	No	
83.	Rosicki	5809/11	Chase Home Finance	3/14/11	3/30/11	No	No	
84.	Rosicki	5807/11	Chase	3/14/11	3/28/11	No	No	
85.	Rosicki	6030/11	Chase	3/16/11	4/20/11	No	No	
86.	Rosicki	6028/11	Bayview	3/16/11	3/30/11	No	No	
87.	Rosicki	6031/11	Chase	3/16/11	3/28/11	No	No	
88.	Rosicki	6285/11	US Nationl	3/18/11	3/28/11	No	No	
89.	Rosicki	6284/11	US Nationl	3/18/11	3/31/11	No	No	
90.	Rosicki	6274/11	Chase	3/18/11	4/11/11	No	No	
91.	Rosicki	6609/11	Chase Home Finance	3/23/11	3/31/11	No	No	Answer filed 4/6/11 Reply to Counterclaim 4/19/11
92.	Rosicki	6610/11	Chase	3/23/11		No	No	
93.	Rosicki	6608/11	Gmac	3/23/11	4/12/11	No	No	
94.	Rosicki	6831/11	JPMC	3/15/11	4/7/11	No	No	
95.	Rosicki	6858/11	Chase	3/25/11	4/14/11	No	No	
96.	Rosicki	6857/11	Chase	3/25/11	NONE	No	No	
97.	Rosicki	7109/11	US Bank	3/29/11	4/8/11	4/19/11	Yes	RJI filed on 4/19/11
98.	Rosicki	7108/11	Chase	3/29/11	4/14/11	No	No	
99.	Rosicki	7245/11	Citibank	3/30/11	4/15/11	No	No	
100.	Rosicki	7405/11	Chase	3/31/11	4/13/11	No	No	

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	Firm	Index #	Bank	Date Filed	Aff of Service	RJI	Ecourts Record	Other
101.	Rosicki	7404/11	LPP Mortg	3/31/11	4/13/11	No	No	
102.	Rosicki	7403/11	BankUnited	3/31/11	4/13/11	6/6/11	Yes	RJI filed on 6/6/11
103.	Rosicki	7401/11	Mellon	3/31/11	4/13/11	No	No	
104.	Shapiro	4826/11	US National	3/2/11	3/16/11	No	No	Answer filed on 4/12/11
105.	Shapiro	4871/11	Everbank	3/2/11	3/21/11	4/26/11	Yes	RJI filed on 4/26/11 Answer filed on 3/23/11
106.	Shapiro	4957/11	US National	3/3/11	3/21/11	No	No	
107.	Shapiro	5180/11	Wells Fargo	3/7/11	3/23/11	No	No	
108.	Shapiro	5546/11	Wells Fargo	3/10/11	3/25/11	No	No	Answer and Counterclaim filed on 3/29/11
109.	Shapiro	5669/11	Merrill Lyn	3/11/11	3/24/11	No	No	
110.	Shapiro	5670/11	Deutsche B	3/11/11	3/31/11	6/6/11	Yes	RJI filed on 6/6/11
111.	Shapiro	5667/11	Deutsche B	3/11/11	3/22/11	No		Amended Aff of Service filed on 3/25/11 Notice of Appearance 4/13/11
112.	Shapiro	5800/11	Chase	3/14/11	3/28/11	No	No	Answer and Counterclaim filed on 4/6/11
113.	Shapiro	5797/11	Chase Home Fin	3/14/11	3/21/11	No	No	
114.	Shapiro	5798/11	Chase Home Fin	3/14/11	3/23/11	No	No	
115.	Shapiro	5908/11	Chase	3/15/11	3/23/11	No	No	
116.	Shapiro	5904/11	Chase	3/15/11	3/24/11	No	No	Amended Aff of Service filed on 3/30/11
117.	Shapiro	6006/11	Chase	3/16/11	4/6/11	No	No	Amended Aff of Service filed on 4/6/11
118.	Shapiro	6016/11	Chase	3/16/11	4/8/11	No	No	
119.	Shapiro	6263/11	Chase Home Fin	3/18/11	3/25/11	No	No	

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	Firm	Index #	Bank	Date Filed	Aff of Service	RJI	Ecourts Record	Other
120.	Shapiro	6300/11	Deutsche B	3/18/11	3/31/11	No	No	
121.	Shapiro	6298/11	HSBC	3/18/11	4/6/11	No	No	
122.	Shapiro	6388/11	Chase	3/21/11	3/31/11	No	No	
123.	Shapiro	6503/11	HSBC	3/22/11	3/31/11	No	No	
124.	Shapiro	6492/11	Chase	3/22/11	3/30/11	No	No	
125.	Shapiro	6488/11	Chase Home Fin	3/22/11	3/31/11	No	No	
126.	Shapiro	6588/11	Chase Home Fin	3/23/11	4/11/11	No	No	Verified Answer filed on 4/15/11
127.	Shapiro	6589/11	Mellon	3/23/11	4/7/11	No	No	
128.	Shapiro	6576/11	Chase Home Fin	3/23/11	4/6/11	No	No	
129.	Shapiro	6677/11	Residential	3/24/11	4/8/11	5/3/11	Yes	RJI filed on 5/3/11
130.	Shapiro	6718/11	Chase	3/24/11	3/30/11	No	No	Verified Answer filed on 4/12/11
131.	Shapiro	6828/11	US National	3/25/11	4/12/11	No	No	
132.	Shapiro	6980/11	Merrill	3/28/11	4/11/11	No	No	
133.	Shapiro	6974/11	US National	3/28/11	4/11/11	No	No	
134.	Shapiro	7136/11	US National	3/29/11	4/6/11	No	No	
135.	Shapiro	7135/11	Deutsche	3/29/11	4/12/11	No	No	
136.	Shapiro	7442/11	Phh Mortgage	3/30/11	4/14/11	No	No	
137.	Shapiro	7257/11	Chase	3/30/11	3/30/11	No	No	
138.	Shapiro	7258/11	Chase	3/30/11	4/20/11	No	No	
139.	Shapiro	7376/11	Chase	3/31/11	4/11/11	No	No	
140.	Dorf	4869/11	HSBC	3/2/11	3/24/11	No	No	Notice and Appearance and claim to surplus monies filed on 3/23/11
141.	Dorf	5054/11	Wells Fargo	3/4/11	4/6/11	No	No	Verified Answer filed on 4/6/11

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	Firm	Index #	Bank	Date Filed	Aff of Service	RJI	Ecourts Record	Other
142.	Dorf	5055/11	HSBC	3/4/11	NONE	No	No	
143.	Dorf	5051/11	HSBC	3/4/11	3/24/11	No	No	
144.	Dorf	5854/11	HSBC	3/15/11	3/29/11	No	No	
145.	Dorf	5853/11	HSBC	3/15/11	4/15/11	No	No	Answer filed on 4/12/11 Stipulation filed on 4/19/11
146.	Dorf	5979/11	US Nationl	3/16/11	3/31/11	No	No	
147.	Dorf	5980/11	Wells Fargo	3/16/11	4/11/11	No	No	Notice of appearance filed on 4/1/11
148.	Dorf	6199/11	HSBC	3/18/11	4/13/11	No	No	
149.	Dorf	6198/11	HSBC	3/18/11	4/11/11	No	No	
150.	Dorf	6342/11	HSBC	3/21/11	4/12/11	No	No	
151.	Dorf	6764/11	US Bank	3/25/11	4/13/11	No	No	
152.	Dorf	6765/11	HSBC	3/25/11	4/7/11	No	No	
153.	Dorf	6768/11	HSBC	3/25/11	NONE	No	No	
154.	Dorf	6913/11	HSBC	3/28/11	4/13/11	No	No	
155.	Dorf	6911/11	HSBC	3/28/11	4/6/11	No	No	
156.	Dorf	6910/11	Deutsche	3/28/11	4/14/11	No	No	
157.	Dorf	6909/11	Bank Nat	3/28/11	4/14/11	No	No	
158.	Dorf	6908/11	Deutsche	3/28/11	4/14/11	No	No	
159.	Dorf	6906/11	Deutsche	3/28/11	4/6/11	No	No	
160.	Dorf	6905/11	Deutsche	3/28/11	4/6/11	No	No	
161.	Dorf	6904/11	Deutsche	3/28/11	4/14/11	No	No	
162.	Dorf	7205/11	HSBC	3/30/11	4/13/11	No	No	
163.	McCabe	4829/11	Bank Natio	3/2/11	3/17/11	No	No	
164.	McCabe	4954/11	Bank Natio	3/3/11	4/13/11	No	No	
165.	McCabe	4956/11	Bank Natio	3/3/11	3/17/11	No	No	Amended affidavit of service filed on 3/22/11
166.	McCabe	5067/11	Deutsche	3/4/11	3/23/11	No	No	
167.	McCabe	5192/11	Bank Natio	3/7/11	3/24/11	No	No	
168.	McCabe	5301/11	HSBC	3/8/11	3/24/11	No	No	Answer filed on 3/30/11



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169.	McCabe	5300/11	Bank Natio	3/8/11	3/23/11	No	No	
170.	McCabe	5462/11	HSBC	3/9/11	3/24/11	No	No	
171.	McCabe	5778/11	Aurora	3/14/11	3/30/11	No	No	
172.	McCabe	5773/11	Aurora	3/14/11	3/21/11	No	No	
173.	McCabe	5774/11	Mellon	3/14/11	3/30/11	No	No	
174.	McCabe	5777/11	Citibank	3/14/11	3/30/11	No	No	
175.	McCabe	6826/11	Aurora	3/25/11	4/14/11	No	No	
176.	McCabe	6825/11	Aurora	3/25/11	4/14/11	No	No	
177.	McCabe	7346/11	Deutsche	3/31/11	4/14/11	No	No	
178.	Frenkel	4952/11	Wells Fargo	3/3/11	4/12/11	No	No	Verified Answer filed on 3/24/11
179.	Frenkel	5066/11	US Nation	3/4/11	3/15/11	No	No	
180.	Frenkel	5193/11	Oceanfirst	3/7/11	3/22/11	5/13/11	Yes	RJI filed on 5/13/2011
181.	Frenkel	5550/11	Onewest	3/10/11	3/30/11	No	No	
182.	Frenkel	5886/11	Dietsche	3/15/11	3/23/11	No	No	
183.	Frenkel	6118/11	Wells Fargo	3/17/11	4/6/11	No	No	
184.	Frenkel	6117/11	Deutsche	3/17/11	3/24/11	No	No	
185.	Frenkel	6225/11	Wells Fargo	3/18/11	3/29/11	No	No	
186.	Weinreb	4855/11	Wells Fargo	3/2/11	3/18/11	No	No	
187.	Weinreb	4924/11	Wells Fargo	3/3/11	3/22/11	No	No	
188.	Weinreb	4925/11	Bank Natio	3/3/11	3/30/11	No	No	Verified Answer filed on 4/1/11
189.	Weinreb	5757/11	Wells Fargo	3/14/11	3/25/11	No	No	
190.	Weinreb	6197/11	Wells Fargo	3/18/11	3/29/11	No	No	
191.	Weinreb	6339/11	Deutsche	3/21/11	4/13/11	No	No	
192.	Stiene	4921/11	Chase	3/3/11	3/29/11	No	No	Notice of appearance and claim to surplus monies filed on 3/29/11
193.	Stiene	5243/11	Flagstar	3/8/11	3/24/11	No	No	
194.	Stiene	5525/11	Flagstar	3/10/11	3/24/11	No	No	
195.	Stiene	5524/11	Flagstar	3/10/11	3/24/11	No	No	Answer filed on 3/23/11
196.	Stiene	6343/11	Chase	3/21/11	4/18/11	No	No	
197.	Stiene	6566/11	Flagstar	3/23/11	4/15/11	No	No	

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198.	Steine	6668/11	Chase	3/24/11	3/31/11	No	No	
199.	Stiene	6912/11	Flagstar	3/28/11	4/15/11	No	No	
200.	Stein	4721/11	US Nation	3/1/11	3/16/11	No	No	
201.	Stein	6283/11	US Nation	3/18/11	3/28/11	No	No	Verified Answer with counterclaim filed on 4/19/11
202.	Stein	6593/11	Chase	3/23/11	3/30/11	No	No	
203.	Stein	6715/11	Financial Freedom	3/24/11	3/31/11	No	No	Verified Answer filed on 4/15/11
204.	Stein	6970/11	Everbank	3/28/11	4/11/11	5/16/11	Yes	Notice of appearance filed on 4/15/11
205.	Stein	7360/11	Financial Freedom	3/31/11	4/8/11	No	No	RJI filed on 5/16/11
206.	Stein	7361/11	Chase Home Finance	3/31/11	4/8/11	No	No	
207.	Derose	4714/11	Deutsche	3/1/11	3/30/11	No	No	Verified answer filed on 3/16/11
208.	Derose	5660/11	HSBC	3/11/11	3/24/11	No	No	
209.	Derose	5661/11	HSBC	3/11/11	3/28/11	No	No	
210.	Derose	6536/11	Deutsche	3/30/11	4/8/11	No	No	
211.	Berkman	5389/11	Central Mortgage	3/8/11	3/29/11	No	No	
212.	Berkman	5710/11	Federal National	3/11/11	3/17/11	No	No	
213.	Berkman	6553/11	Central Mortgage	3/23/11	4/11/11	No	No	
214.	Druckman	6378/11	BofNY	3/21/11	4/14/11	No	No	
215.	Druckman	6973/11	US Bank	3/28/11	4/12/11	No	No	
216.	Druckman	7379/11	Wells Fargo	3/31/11	4/14/11	No	No	
217.	Stagg	7400/11	Mid-island Morg	3/31/11	4/14/11	4/6/11	Yes	RJI filed on 4/6/11
218.	Stagg	7402/11	Mid-island Morg	3/31/11	4/6/11	No	No	Notice of appear/waiver filed on 4/6/11

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219.	Harris	5551/11	Emigrant	3/10/11	3/24/11	No	No	Answer filed on 3/29/11, amend on 4/12/11
220.	Schiller	4688/11	MT bank	3/1/11	3/9/11	No	No	Answer filed on 3/25/11
221.	Schiller	6099/11	Suntrust	3/17/11	3/25/11	No	No	
222.	Davidson	6695/11	Wells Fargo	3/24/11	3/31/11	No	No	Verified answer filed on 4/6/11
223.	Platzer	6017/11	Chase	3/16/11	NONE	No	No	
224.	Weisberg	7081/11	Bac Home Loans	3/29/11	4/14/11	No	No	
225.	Weisberg	7080/11	BofA	3/29/11	4/14/11	No	No	
226.	Cohn	6682/11	BofA	3/24/11	4/8/11	4/8/11	Yes	RJI filed on 4/8/11
227.	Jaspan	5206/11	Bank Natio	3/7/11	3/25/11	3/18/11	Yes	RJI filed on 3/18/11 Decision and order dated 4/1/11
228.	Hiscock	6827/11	Bayview	3/25/11	4/18/11	No	No	Notice of appearance and claim to surplus monies filed 4/14/11
229.	Graham	6491/11	Astoria Fed	3/22/11	4/15/11	No	No	
230.	May	5241/11	Bank Natio	3/8/11	4/14/11	No	No	
231.	Katz	6005/11	Deutsche	3/16/11	3/29/11	No	No	
232.	Rosenblum	6927/11	Flatbush Fed Savings	3/28/11	4/7/11	6/9/11	Yes	RJI filed on 6/9/11
233.	Kriss	7206/11	Savoy Bnk	3/30/11	4/18/11	No	No	
234.	Roach	5112/11	Wells Fargo	3/4/11	3/30/11	No	No	

# **APPENDIX E**

**QUEENS FORECLOSURE CASES**  
***March 1, 2011 through March 31, 2011***

Foreclosure Cases/Activity: 295

Number of Answers filed: 59 (20%)

Number of RJI's filed: 24 (4%)

Number of Discontinuances filed: 2 (1%)

Number of Cases that have Yet to Move Forward or Be Discontinued: 269 (91%)

Foreclosure Activity by Firm

- ***Steven J. Baum, P.C.*** – 62 Cases (0 RJIs -- 0%)
- ***Fein, Such & Crane, LLP*** - 56 Cases (2 RJIs -- 4%)
  - A.K.A. – Relin, Goldstein & Crane, LLP and Fein, Such, Kahn & Shepard, P.C.
- ***Shapiro, DiCaro & Barak, LLP*** – 36 Cases (2 RJIs -- 6%)
- ***Rosicki Rosicki & Associates, P.C.*** – 35 Cases (8 RJIs – 23%)
- ***McCabe, Weisberg & Conway, P.C.*** – 33 Cases (0 RJIs -- 0%)
- ***The Dorf Law Firm*** – 16 Cases (0 RJI -- 0%)
- ***Fenkel*** – 9 Cases (0 RJIs -- 0%)
- ***Steine*** – 5 Cases (0 RJIs -- 0%)
- ***DeRose*** – 5 Cases (2 RJI -- 40%)
- ***Alan Weinreb*** – 7 Case (0 RJIs -- 0%)
- ***Jordan Katz*** – 4 Cases (0 RJIs -- 0%)
- ***Stein*** – 4 Cases (0 RJI -- 0%)
- ***Berkman*** – 3 Case (1 RJI -- 33%)
- ***Druckman Law Group*** – 3 Cases (0 RJIs -- 0%)
- ***Stagg*** – 2 Cases (1 RJI -- 50%)
- ***Sheldon May*** – 2 Cases (2 RJI -- 100%)
- ***Cohn & Roth*** – 2 Cases (2 RJI -- 100%)
- ***Sweeny, Gallo, Reich & Boltz, LLP*** – 1 Cases (0 RJI -- 0%)
- ***Davidson Fink LLP*** – 1 Cases (0 RJI -- 0%)
- ***Roach*** – 1 Case (0 RJI -- 0%)
- ***David Rosenblum*** – 1 Case (0 RJI -- 0%)
- ***Schelsinger*** – 1 Case (0 RJIs -- 0%)
- ***Weltman*** – 1 Case (0 RJI -- 0%)
- ***Hiscock*** – 1 Case (0 RJI -- 0%)
- ***Knuckles*** – 1 Case (0 RJI -- 0%)
- ***Linda Donato*** – 1 Case (0 RJI -- 0%)
- ***Solomon Siris*** – 1 Case (0 RJI -- 0%)
- ***Herzfeld*** – 1 Case (0 RJI -- 0%)

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	<b>Firm</b>	<b>Index #</b>	<b>Bank</b>	<b>Date Filed</b>	<b>Aff of Service</b>	<b>RJI</b>	<b>Ecourts Record</b>	<b>Other</b>
1.	Baum	5087/11	Deutsche	3/1/11	3/18/11	No	No	
2.	Baum	5213/11	Wells F	3/2/11	3/10/11	No	No	Answer & Counterclaims filed 3/14/11 Notice of Appearance filed 4/7/11 Reply to Answer & Counterclaims filed 4/7
3.	Baum	5214/11	Wells F	3/2/11	4/4/11	No	No	
4.	Baum	5215/11	US Bank	3/2/11	3/18/11	No	No	
5.	Baum	5344/11	Deutsche	3/3/11	3/15/11	No	No	
6.	Baum	5436/11	Metlife	3/4/11	3/18/11	No	No	
7.	Baum	5437/11	Metlife	3/4/11	3/14/11	No	No	Answer filed on 3/28/11
8.	Baum	5439/11	Wells F	3/4/11	3/16/11	No	No	
9.	Baum	5440/11	Wells F	3/4/11	3/16/11	No	No	
10.	Baum	5441/11	Wells F	3/4/11	3/16/11	No	No	
11.	Baum	5442/11	Wells F	3/4/11	3/16/11	No	No	Notices of Appearance filed 3/21/11 & 4/19/11
12.	Baum	5554/11	Wells F	3/7/11	3/21/11	No	No	
13.	Baum	5555/11	M&T	3/7/11	3/18/11	No	No	
14.	Baum	5696/11	Wells F	3/8/11	3/18/11	No	No	
15.	Baum	5806/11	Wells F	3/9/11	3/23/11	No	No	Notice of Appearance filed 4/22/11
16.	Baum	5808/11	PNC	3/9/11	3/22/11	No	No	Answer filed 3/31/11 Reply to Counterclaims filed 4/18/11
17.	Baum	5934/11	Wells F	3/10/11	3/22/11	No	No	Notice of Appearance filed 4/19/11
18.	Baum	5935/11	Wells F	3/10/11	3/22/11	No	No	
19.	Baum	6040/11	Wells F	3/11/11	3/24/11	No	No	Answer filed 3/24/11
20.	Baum	6043/11	Wells F	3/11/11	3/24/11	No	No	Notice of Appearance filed 3/31/11 Stipulation filed 3/31/11
21.	Baum	6048/11	Aurora	3/11/11	3/24/11	No	No	LP re-filed 4/11/11 Amended Complaint filed 4/8/11
22.	Baum	6156/11	Wells F	3/14/11	3/24/11	No	No	Notice of Appearance filed 4/19/11

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23.	Baum	6302/11	Wells F	3/15/11	3/24/11	No	No	Answer filed 3/28/11
24.	Baum	6303/11	M&T	3/15/11	3/30/11	No	No	
25.	Baum	6458/11	Wells F	3/16/11	4/14/11	No	No	Notice of Appearance filed 4/14/11
26.	Baum	6459/11	Wells F	3/16/11	3/29/11	No	No	
27.	Baum	6578/11	Wells F	3/17/11	3/31/11	No	No	
28.	Baum	6579/11	Wells F	3/17/11	3/28/11	No	No	
29.	Baum	6580/11	Wells F	3/17/11	3/28/11	No	No	
30.	Baum	6581/11	GMAC	3/17/11	4/12/11	No	No	
31.	Baum	6632/11	Deutsche	3/17/11	3/29/11	No	No	
32.	Baum	6738/11	Aurora	3/18/11	3/30/11	No	No	Notice of Appearance filed on 4/26/11
33.	Baum	6829/11	Wells F	3/21/11	3/31/11	No	No	
34.	Baum	6830/11	Wells F	3/21/11	4/12/11	No	No	
35.	Baum	6985/11	Wells F	3/22/11	3/31/11	No	No	Answer filed on 4/6/11 Notice of Appearance filed on 4/26/11
36.	Baum	6986/11	Midfirst	3/22/11	3/31/11	No	No	LP re-filed on 4/8/11 Amended Complaint filed on 4/8/11 Notice of Appearance filed 4/26/11
37.	Baum	7130/11	Wells F	3/23/11	3/31/11	No	No	
38.	Baum	7131/11	Wells F	3/23/11	3/30/11	No	No	Answer filed on 3/31/11
39.	Baum	7133/11	Wells F	3/23/11	4/1/11	No	No	
40.	Baum	7281/11	Wells F	3/24/11	4/4/11	No	No	
41.	Baum	7300/11	GMAC	3/24/11	4/20/11	No	No	
42.	Baum	7301/11	Aurora	3/24/11	4/4/11	No	No	
43.	Baum	7302/11	Wells F	3/24/11	4/8/11	No	No	Notice of Appearance filed 4/13/11
44.	Baum	7461/11	Aurora	3/25/11	4/6/11	No	No	
45.	Baum	7592/11	RCS	3/28/11	4/8/11	No	No	
46.	Baum	7594/11	US Bank	3/28/11	4/6/11	No	No	
47.	Baum	7595/11	Everehome	3/28/11	4/5/11	No	No	

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	Firm	Index #	Bank	Date Filed	Aff of Service	RJI	Ecourts Record	Other
48.	Baum	7721/11	Wells F	3/29/11	4/12/11	No	No	
49.	Baum	7723/11	Wells F	3/29/11	4/12/11	No	No	
50.	Baum	7724/11	M&T	3/29/11	4/7/11	No	No	
51.	Baum	7833/11	Wells F	3/30/11	4/18/11	No	No	
52.	Baum	7834/11	Wells F	3/30/11	4/8/11	No	No	Notice of Appearance filed 4/21/11
53.	Baum	7835/11	Wells F	3/30/11	4/7/11	No	No	
54.	Baum	7836/11	Aurora	3/30/11	4/7/11	No	No	
55.	Baum	7837/11	Aurora	3/30/11	4/12/11	No	No	
56.	Baum	7838/11	Aurora	3/30/11	4/12/11	No	No	
57.	Baum	7839/11	Nationstar	3/30/11	4/7/11	No	No	
58.	Baum	7840/11	Bank of NY	3/30/11	4/8/11	No	No	
59.	Baum	7840/11	Wells F	3/31/11	4/11/11	No	No	
60.	Baum	7970/11	Wells F	3/31/11	4/11/11	No	No	
61.	Baum	7971/11	PNC	3/31/11	4/11/11	No	No	Answer filed on 4/22/11
62.	Baum	7972/11	DLJ	3/31/11	4/12/11	No	No	
63.	Rosicki	5054/11	Chase	03/01/11	03/09/11	No	No	Answer filed 03/23/11
64.	Rosicki	5102/11	Wells F	03/01/11	03/11/11	No	No	
65.	Rosicki	5104/11	Flagstar	03/01/11	03/09/11	03/28/11	Yes	Answer filed 03/11/11 Unknown which party filed RJI Case transferred to FSC Part
66.	Rosicki	5254/11	Chase	03/02/11	03/10/11	No	No	
67.	Rosicki	5255/11	US Bank	03/02/11	03/09/11	No	No	Answer filed 04/06/11
68.	Rosicki	5484/11	Chase	03/04/11	03/15/11	No	No	
69.	Rosicki	5580/11	Wells F	03/07/11	03/22/11	5/10/11	Yes	RJI filed on 5/10/11
70.	Rosicki	5584/11	Chase	03/07/11	03/16/11	No	No	
71.	Rosicki	5585/11	Deutsche	03/07/11	03/23/11	No	No	Answer filed 03/25/11 Reply to Counterclaims filed 04/20/11
72.	Rosicki	5725/11	BNY	03/08/11	03/28/11	04/05/11	Yes	Unknown which party filed RJI Case transferred to FSC Part



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Rosicki	5726/11	LNV Corp.	03/08/11	04/05/11	No	No	Notice of Appearance filed 04/14/11
Rosicki	5727/11	GMAC	03/08/11	04/25/11	No	No	
Rosicki	6059/11	Chase	03/11/11	03/29/11	No	No	
Rosicki	6061/11	DLJ Mtg	03/11/11	03/22/11	No	No	
Rosicki	6062/11	Chase	03/11/11	03/22/11	No	No	
Rosicki	6110/11	Fannie Mae	03/11/11	03/22/11	No	No	
Rosicki	6111/11	Kondaaur	03/11/11	03/22/11	5/13/11	Yes	RJI filed on 5/13/11
Rosicki	6113/11	Chase	03/11/11	03/22/11	No	No	
Rosicki	6207/11	Wells F	03/14/11	03/24/11	04/04/11	Yes	Unknown which party filed RJI Answer filed 04/12/11 Reply to Counterclaims filed 04/20/11 Case transferred to FSC Part
Rosicki	6209/11	Chase	03/14/11	03/24/11	No	No	
Rosicki	6210/11	Flagstar	03/14/11	03/24/11	03/30/11	Yes	Unknown which party filed RJI
Rosicki	6431/11	Chase	03/16/11	03/28/11	No	No	
Rosicki	6558/11	Deutsche	03/17/11	03/30/11	5/20/11	Yes	RJI filed 5/20/11
Rosicki	6655/11	US Bank	03/18/11	03/28/11	No	No	Answers filed 04/06/11 and 04/21/11
Rosicki	6656/11	US Bank	03/18/11	03/28/11	04/19/11	Yes	Answer filed 04/14/11 Unknown which party filed RJI, but h/o is represented by Naimark & Tannebaum, 718-528-3700
Rosicki	6659/11	Wall Street	03/18/11	03/29/11	6/2/11	Yes	RJI filed by 6/2/11
Rosicki	6744/11	US Bank	03/18/11	03/31/11	04/15/11	Yes	Unknown which party filed RJI
Rosicki	6928/11	Chase	03/22/11	03/30/11	No	No	
Rosicki	7200/11	Chase	03/23/11	04/04/11	No	No	
Rosicki	7282/11	BNY	03/24/11	04/05/11	No	No	
Rosicki	7477/11	Chase	03/25/11	04/05/11	No	No	Answer filed 04/07/11
Rosicki	7479/11	Chase	03/25/11	04/08/11	No	No	

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95.	Rosicki	7681/11	Chase	03/29/11	04/14/11	No	No	
96.	Rosicki	7682/11	Live Well	03/29/11	04/08/11	No	No	
97.	Rosicki	7775/11	US Bank	03/30/11	04/13/11	5/20/11	Yes	RJI filed on 5/20/11
98.	McCabe	5064/11	US Bank	03/01/11	03/18/11	No	No	
99.	McCabe	5180/11	BNY	03/02/11	03/25/11	No	No	Answer filed 04/12/11
100.	McCabe	5181/11	US Bank	03/02/11	03/18/11	No	No	
101.	McCabe	5188/11	Deutsche	03/02/11	03/15/11	No	No	
102.	McCabe	5323/11	Deutsche	03/03/11	04/01/11	No	No	
103.	McCabe	5451/11	US Bank	03/04/11	04/01/11	No	No	Answer filed 04/04/11
104.	McCabe	5452/11	Deutsche	03/04/11	03/16/11	No	No	Answer filed 03/23/11
105.	McCabe	5453/11	Deutsche	03/04/11	03/23/11	No	No	
106.	McCabe	5678/11	OneWest	03/08/11	03/25/11	No	No	
107.	McCabe	5679/11	Deutsche	03/08/11	04/01/11	No	No	Answer filed 04/13/11 Reply to Counterclaim filed 04/19/11
108.	McCabe	6151/11	Deutsche	03/14/11	03/22/11	No	No	Answer filed 03/25/11
109.	McCabe	6153/11	Aurora	03/14/11	03/22/11	No	No	
110.	McCabe	6154/11	M. Stanley	03/14/11	04/04/11	No	No	
111.	McCabe	6155/11	HSBC	03/14/11	04/14/11	No	No	
112.	McCabe	6438/11	Aurora	03/16/11	04/04/11	No	No	
113.	McCabe	6562/11	US Bank	03/17/11	04/04/11	No	No	
114.	McCabe	6563/11	Wells F	03/17/11	04/14/11	No	No	
115.	McCabe	6814/11	Deutsche	03/21/11	04/06/11	No	No	
116.	McCabe	7093/11	Aurora	03/23/11	04/01/11	No	No	
117.	McCabe	7094/11	Deutsche	03/23/11	04/14/11	No	No	
118.	McCabe	7097/11	Deutsche	03/23/11	04/14/11	No	No	
119.	McCabe	7420/11	HSBC	03/25/11	04/14/11	No	No	
120.	McCabe	7421/11	Aurora	03/25/11	04/14/11	No	No	
121.	McCabe	7571/11	Deutsche	03/28/11	04/14/11	No	No	Answer filed 04/13/11
122.	McCabe	7582/11	Deutsche	03/28/11	04/15/11	No	No	

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123.	McCabe	7701/11	Deutsche	03/29/11	04/18/11	No	No	
124.	McCabe	7702/11	Trucap Trst	03/29/11	04/14/11	No	No	
125.	McCabe	7703/11	Aurora	03/29/11	04/14/11	No	No	
126.	McCabe	7798/11	Aurora	03/30/11	04/14/11	No	No	
127.	McCabe	7950/11	Wells F	03/31/11	04/18/11	No	No	
128.	McCabe	7951/11	Aurora	03/31/11	04/19/11	No	No	
129.	McCabe	7964/11	Deutsche	03/31/11	04/15/11	No	No	
130.	McCabe	7965/11	Deutsche	03/31/11	04/21/11	No	No	
131.	Shapiro	5078/11	Chase	03/01/11	03/30/11	No	No	Answer filed 04/07/11 Verified Answer filed 04/25/11
132.	Shapiro	5444/11	Deutsche	03/04/11	03/10/11	No	No	
133.	Shapiro	5682/11	Chase	03/08/11	03/17/11	No	No	Answer filed 04/11/11
134.	Shapiro	5780/11	Deutsche	03/09/11	04/05/11	6/10/11	Yes	RJI filed on 6/10/11
135.	Shapiro	6149/11	Chase	03/14/11	03/17/11	No	No	
136.	Shapiro	6150/11	Chase	03/14/11	03/17/11	No	No	
137.	Shapiro	6329/11	PHH Mtg	03/15/11	04/11/11	No	No	Amended Complaint filed 04/04/11
138.	Shapiro	6447/11	Chase	03/16/11	03/21/11	No	No	Answer filed 04/06/11
139.	Shapiro	6449/11	Chase	03/16/11	03/22/11	No	No	
140.	Shapiro	6451/11	Deutsche	03/16/11	03/21/11	No	No	Answer filed 03/23/11 Reply filed 04/13/11
141.	Shapiro	6453/11	Chase	03/16/11	03/31/11	No	No	
142.	Shapiro	6596/11	Wells F	03/17/11	03/22/11	No	No	
143.	Shapiro	6820/11	US Bank	03/21/11	03/24/11	No	No	Answer filed 04/13/11
144.	Shapiro	6821/11	Chase	03/21/11	03/30/11	No	No	
145.	Shapiro	6822/11	Deutsche	03/21/11	04/21/11	No	No	
146.	Shapiro	6933/11	Chase	03/22/11	04/04/11	No	No	Answer filed 04/11/11
147.	Shapiro	6935/11	Chase	03/22/11	03/30/11	No	No	
148.	Shapiro	6936/11	Chase	03/22/11	03/31/11	No	No	Stipulation filed 04/21/11
149.	Shapiro	6938/11	PHH Mtg	03/22/11	03/29/11	No	No	Answer filed 04/15/11
150.	Shapiro	6939/11	BNY	03/22/11	03/30/11	No	No	

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151.	Shapiro	7103/11	BNY	03/23/11	04/25/11	No	No	
152.	Shapiro	7446/11	Chase	03/25/11	04/13/11	No	No	
153.	Shapiro	7474/11	US Bank	03/25/11	04/11/11	No	No	
154.	Shapiro	7475/11	US Bank	03/25/11	04/08/11	No	No	
155.	Shapiro	7620/11	B of A	03/28/11	04/04/11	04/20/11	Yes	Homeowner filed RJI, Answer and Motion to Dismiss 04/20/11
156.	Shapiro	7621/11	Chase	03/28/11	04/06/11	No	No	
157.	Shapiro	7698/11	US Bank	03/29/11	04/01/11	No	No	Stip of Discontinuance filed 04/22/11
158.	Shapiro	7820/11	Chase	03/30/11	04/11/11	No	No	Answer filed 04/14/11
159.	Shapiro	7821/11	PHH Mtg	03/30/11	04/11/11	No	No	
160.	Shapiro	7822/11	US Bank	03/30/11	04/04/11	No	No	
161.	Shapiro	7938/11	Deutsche	03/31/11	04/21/11	No	No	
162.	Shapiro	7940/11	Chase	03/31/11	04/18/11	No	No	
163.	Shapiro	7944/11	Chase	03/31/11	04/05/11	No	No	
164.	Shapiro	7945/11	Chase	03/31/11	04/06/11	No	No	
165.	Shapiro	7947/11	Chase	03/31/11	04/07/11	No	No	
166.	Shapiro	7976/11	US Bank	03/31/11	04/13/11	No	No	
167.	Fein	5077/11	B of A	03/01/11	03/23/11	No	No	Answer filed 03/29/11
168.	Fein	5079/11	US Bank	03/01/11	03/22/11	6/2/11	Yes	RJI filed on 6/2/11
169.	Fein	5268/11	Wells F	03/02/11	03/23/11	No	No	
170.	Fein	5326/11	Chase	03/03/11	04/20/11	No	No	
171.	Fein	5327/11	Deutsche	03/03/11	03/22/11	No	No	
172.	Fein	5328/11	Chase	03/03/11	03/10/11	No	No	Answer filed 04/08/11
173.	Fein	5330/11	Chase	03/03/11	03/22/11	No	No	Answer filed 04/06/11
174.	Fein	5362/11	OneWest	03/03/11	03/10/11	No	No	
175.	Fein	5447/11	Virtual Bnk	03/04/11	03/15/11	No	No	
176.	Fein	5449/11	Chase	03/04/11	04/04/11	No	No	
177.	Fein	5450/11	Chase	03/04/11	03/21/11	No	No	
178.	Fein	5552/11	PNC Bank	03/07/11	03/23/11	No	No	

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179.	Fein	5553/11	Deutsche	03/07/11	03/23/11	No	No	Answer filed 04/13/11 Reply filed 04/14/11
180.	Fein	5684/11	OneWest	03/08/11	03/21/11	No	No	Answer filed 03/28/11
181.	Fein	5688/11	Chase	03/08/11	04/04/11	No	No	Amended Complaint filed 03/25/11
182.	Fein	5799/11	Deutsche	03/09/11	04/05/11	No	No	Amended Complaint filed 03/23/11
183.	Fein	5800/11	PNC Bank	03/09/11	04/25/11	No	No	
184.	Fein	5912/11	Chase	03/10/11	03/23/11	No	No	
185.	Fein	5914/11	Chase	03/10/11	03/28/11	No	No	Reply (to what?) filed 04/14/11
186.	Fein	5916/22	Chase	03/10/11	03/21/11	No	No	
187.	Fein	6026/11	Chase	03/11/11	03/23/11	No	No	
188.	Fein	6148/11	Chase	03/14/11	03/22/11	No	No	Answer filed 03/21/11 Reply filed 03/30/11 Amended Reply filed 04/15/11
189.	Fein	6454/11	Chase	03/16/11	03/29/11	No	No	Answers (2) filed 04/07/11
190.	Fein	6525/11	Chase	03/16/11	03/28/11	No	No	
191.	Fein	6456/11	Chase	03/16/11	03/24/11	No	No	
192.	Fein	6484/11	Chase	03/16/11	03/31/11	No	No	
193.	Fein	6485/11	Chase	03/16/11	03/23/11	No	No	Answer filed 03/24/11
194.	Fein	6589/11	Wilm. Trust	03/17/11	04/04/11	No	No	Answer filed 04/07/11
195.	Fein	6592/11	Chase	03/17/11	03/31/11	No	No	Answer filed 04/04/11
196.	Fein	6595/11	PNC Bank	03/17/11	03/30/11	No	No	Answer filed 04/22/11
197.	Fein	6707/11	B of A	03/18/11	03/31/11	No	No	
198.	Fein	6709/11	OneWest	03/18/11	03/29/11	No	No	
199.	Fein	6711/11	Chase	03/18/11	04/04/11	No	No	
200.	Fein	6823/11	JPMC	03/21/11	04/07/11	No	No	
201.	Fein	6825/11	Chase	03/21/11	03/29/11	No	No	
202.	Fein	6826/11	Chase	03/21/11	04/12/11	No	No	
203.	Fein	6941/11	Chase	03/22/11	03/31/11	No	No	
204.	Fein	6945/11	Chase	03/22/11	04/04/11	No	No	
205.	Fein	6947/11	Flag Star	03/22/11	04/01/11	No	No	Reply (to what?) filed 04/25/11

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206.	Fein	6948/11	Wells F	03/22/11	04/07/11	No	No	
207.	Fein	6971/11	Wells F	03/22/11	03/31/11	No	No	
208.	Fein	7167/11	Wells F	03/23/11	04/04/11	5/25/11	Yes	Answer filed 04/11/11 RJI filed on 5/25/11
209.	Fein	7253/11	Chase	03/24/11	03/31/11	No	No	
210.	Fein	7252/11	Deutsche	03/24/11	04/04/11	No	No	
211.	Fein	7254/11	PNC Bank	03/24/11	04/04/11	No	No	
212.	Fein	7255/11	OneWest	03/24/11	03/31/11	No	No	
213.	Fein	7445/11	Chase	03/25/11	04/05/11	No	No	
214.	Fein	7448/11	OneWest	03/25/11	04/05/11	No	No	
215.	Fein	7568/11	OneWest	03/28/11	04/11/11	No	No	
216.	Fein	7697/11	Aurora	03/29/11	04/07/11	No	No	Answer filed 04/18/11 Reply filed 04/20/11
217.	Fein	7823/11	OneWest	03/30/11	04/11/11	No	No	
218.	Fein	7824/11	OneWest	03/30/11	04/18/11	No	No	
219.	Fein	7825/11	OneWest	03/30/11	04/05/11	No	No	
220.	Fein	7935/11	Nationstar	03/31/11	04/11/11	No	No	
221.	Fein	7937/11	Chase	03/31/11	04/07/11	No	No	Answer filed 04/18/11 Reply filed 04/20/11
222.	Fein	8006/11	HSBC	03/31/11	04/19/11	No	No	
223.	Dorf	5251/11	Wells F	03/02/11	03/16/11	No	No	Answer filed 04/01/11
224.	Dorf	5252/11	HSBC	03/02/11	03/24/11	No	No	
225.	Dorf	5253/11	HSBC	03/02/11	03/16/11	No	No	Answer filed 03/30/11 Reply filed 04/18/11
226.	Dorf	5369/11	Wells F	03/03/11	04/08/11	No	No	
227.	Dorf	5371/11	HSBC	03/03/11	03/21/11	No	No	Answer filed 03/24/11
228.	Dorf	5454/11	Wells F	03/04/11	03/24/11	No	No	
229.	Dorf	6328/11	Deutsche	03/15/11	04/04/11	No	No	
230.	Dorf	6479/11	Deutsche	03/16/11	04/11/11	No	No	Answer filed 04/12/11
231.	Dorf	6482/11	Deutsche	03/16/11	03/30/11	No	No	Answer filed 04/08/11

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232.	Dorf	6483/11	Deutsche	03/16/11	03/28/11	No	No	Answer filed 04/05/11
233.	Dorf	6740/11	BNY	03/18/11	03/30/11	No	No	
234.	Dorf	7451/11	HSBC	03/25/11	04/07/11	No	No	
235.	Dorf	7600/11	HSBC	03/28/11	04/14/11	No	No	Answer filed 04/15/11 Discovery requests filed (why?) 04/15/11
236.	Dorf	7602/11	BNY	03/28/11	04/06/11	No	No	
237.	Dorf	7603/11	Deutsche	03/28/11	04/18/11	No	No	
238.	Dorf	7801/11	HSBC	03/30/11	04/13/11	No	No	
239.	Frenkel	5321/11	Deutsche	03/03/11	04/06/11	No	No	
240.	Frenkel	5365/11	Deutsche	03/03/11	03/16/11	No	No	
241.	Frenkel	6024/11	Deutsche	03/11/11	03/18/11	No	No	Answer filed 04/22/11
242.	Frenkel	6152/11	Deutsche	03/14/11	03/31/11	No	No	
243.	Frenkel	6565/11	Deutsche	03/17/11	03/29/11	No	No	
244.	Frenkel	6608/11	OneWest	03/17/11	04/06/11	No	No	
245.	Frenkel	6916/11	B of A	03/22/11	04/13/11	No	No	
246.	Frenkel	6917/11	BAC	03/22/11	03/30/11	No	No	
247.	Frenkel	6964/11	OneWest	03/22/11	03/30/11	No	No	
248.	Druckman	5325/11	Wells F	03/03/11	03/18/11	No	No	
249.	Druckman	5680/11	Wells F	03/08/11	04/01/11	No	No	Answer filed 04/12/11
250.	Druckman	7696/11	Wells F	03/29/11	No	No	No	
251.	Steine	5074/11	Flagstar	03/01/11	03/24/11	No	No	
252.	Steine	5704/11	Chase	03/08/11	04/04/11	No	No	
253.	Steine	5817/11	Flagstar	03/09/11	04/04/11	No	No	
254.	Steine	6476/11	Flagstar	03/16/11	04/04/11	No	No	Answer filed 04/12/11
255.	Steine	7732/11	FFFreedom	03/29/11	04/11/11	No	No	
256.	Weinreb	5250/11	US Bank	03/02/11	03/21/11	No	No	
257.	Weinreb	5818/11	BNY	03/09/11	04/07/11	No	No	Answer filed 04/12/11
258.	Weinreb	5820/11	Deutsche	03/09/11	03/21/11	No	No	
259.	Weinreb	6613/11	US Bank	03/17/11	04/05/11	No	No	

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260.	Weinreb	6742/11	Wells F	03/18/11	04/04/11	No	No	
261.	Weinreb	7802/11	Deutsche	03/30/11	04/14/11	No	No	
262.	Weinreb	7803/11	Deutsche	03/30/11	04/14/11	No	No	
263.	Stein	6716/11	US Bank	03/18/11	03/23/11	No	No	Answer filed 03/24/11
264.	Stein	7115/11	OneWest	03/23/11	04/05/11	No	No	Answer filed 04/07/11
265.	Stein	7819/11	OneWest	03/30/11	04/05/11	No	No	
266.	Stein	7952/11	FFreedom	03/31/11	04/14/11	No	No	
267.	Berkman	5284/11	Green Tree	03/03/11	03/23/11	6/9/11	Yes	RJI filed on 6/9/11
268.	Berkman	7053/11	Suntrust	03/23/11	04/18/11	No	No	Answer filed 04/19/11
269.	Berkman	7285/11	Cent Mtg	03/24/11	04/06/11	No	No	
270.	Katz	5189/11	US Bank	03/02/11	03/16/11	No	No	
271.	Katz	6575/11	Deutsche	03/16/11	03/29/11	No	No	
272.	Katz	7607/11	Wells F	03/28/11	04/04/11	No	No	
273.	Katz	7992/11	Deutsche	03/31/11	04/12/11	No	No	
274.	Stagg	7742/11	Mid-Island	03/29/11	04/06/11	04/01/11	Yes	Answer filed 04/19/11 Unknown which party filed RJI Case transferred to FSC Part
275.	Stagg	7743/11	Mid-Island	03/29/11	04/01/11	No	No	
276.	De Rose	6012/11	PDL Bank	03/11/11	03/23/11	No	No	
277.	De Rose	6013/11	US Bank	03/11/11	03/25/11	5/26/11	Yes	RJI filed on 5/26/11
278.	De Rose	6370/11	Deutsche	03/15/11	03/25/11	04/20/11	Yes	Homeowner filed RJI in conjunction with an OSC seeking an injunction. A plaintiffs' class action firm represents h/o.
279.	De Rose	6371/11	Deutsche	03/15/11	03/25/11	No	No	Aff/Stip. of Discontinuance filed 04/18/11
280.	De Rose	6373/11	HSBC	03/15/11	04/12/11	No	No	
281.	Sheldon	7598/11	Wells F	03/28/11	04/21/11	5/16/11	Yes	RJI filed on 5/16/11
282.	Sheldon	7599/11	Wells F	03/28/11	04/13/11	5/2/11	Yes	RJI filed on 5/2/11
283.	Cohn	5788/11	BNY	03/09/11	04/18/11	6/1/11	Yes	RJI filed on 6/1/11



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284.	Cohn	7581/11	TD Bank	03/28/11	04/11/11	04/21/11	Yes	Unknown which party filed RJI
285.	Sweeney	7730/11	CitiCorp	03/29/11	04/01/11	No	No	
286.	Rosenblum	7655/11	Flatbush SL	03/29/11	04/07/11	No	No	
287.	Weltman	7068/11	UNFCU	03/24/11	04/20/11	No	No	
288.	Schelsinger	6446/11	FlushingSB	03/16/11	03/24/11	03/30/11	Yes	Bank filed RJI in conjunction with a motion for a receiver
289.	Hiscock	6640/11	Bayview	03/17/11	04/18/11	No	No	Something called an "Affidavit of Compliance" was filed 04/13/11
290.	Knuckles	5810/11	Wilmington	03/09/11	03/17/11	No	No	Answer filed 03/18/11
291.	Donato	5543/11	BNB Bank	03/07/11	03/28/11	No	No	
292.	Solomon	5413/11	BB&T Mtg	03/04/11	03/23/11	No	No	
293.	Herzfeld	5374/11	Bayview	03/03/11	03/24/11	No	No	
294.	Roach	5053/11	HSBC	03/01/11	03/10/11	No	No	
295.	Davidson	5082/11	Deutsche	03/01/11	03/07/11	No	No	