

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA
CIVIL ACTION

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR J.P. MORGAN MORTGAGE
TRUST 2007-S2,
Plaintiff,

vs.

CASE NO. 50-2009-CA-005542
DIVISION AW

LISA B. EPSTEIN, et al,
Defendant(s).

PLAINTIFF'S RESPONSE TO DEFENDANT LISA B. EPSTEIN'S
REQUEST FOR INTERROGATORIES

Plaintiff U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR J.P. MORGAN MORTGAGE TRUST 2007-S2, or its assigns, pursuant to Rule 1.340 of the Florida Rules of Civil Procedure, hereby responds to Defendant, LISA B. EPSTEIN'S First Request for Interrogatories propounded on March 16, 2009 as follows:

COMMON OBJECTIONS TO EACH INTERROGATORY

1. Plaintiff or its assigns objects to Defendant's Interrogatories and to producing responsive documents, to the extent that the answer to a given Interrogatory may be derived or ascertained by producing records under Fla. R. Civ. P. 1.340(c), to the extent that Defendant seeks, confidential, proprietary, or trade secret information.

2. Plaintiff or its assigns objects to Defendant's Interrogatories and to producing responsive documents, to the extent that the answer to a given Interrogatory may be derived or ascertained by producing records under Fed. R. Civ. P. 1.340(c), to the extent the Defendant's Interrogatories seek information or documents protected by the attorney-client privilege, the attorney work product doctrine, the self-critical analysis privilege, the bank examination privilege, the investigatory privilege, the regulatory privilege, the deliberative process privilege, the accountant-client privilege, or any other applicable privilege or protection.

3. Plaintiff or its assigns objects to Defendant's Interrogatories and to producing responsive

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documents, to the extent that the answer to a given Interrogatory may be derived or ascertained by producing records under Fla. R. Civ. P. 1.340(c), to the extent Defendant's Interrogatories seek information or documents not relevant, not reasonably related to the matters at issue in the case, and not reasonably calculated to lead to the discovery of admissible evidence.

4. Plaintiff or its assigns objects to Defendant's Interrogatories and to producing responsive documents, to the extent that the answer to a given Interrogatory is may be derived or ascertained by producing records under Fla. R. Civ. P. 1.340(c), to the extent Defendant's Interrogatories seek information or documents which are in the public domain or otherwise are readily accessible to Defendant, or are obtainable from some source that is more convenient, less burdensome or less expensive.

5. Plaintiff or its assigns objects to Defendant's Interrogatories and to producing responsive documents, to the extent that the answer to a given Interrogatory is may be derived or ascertained by producing records under Fla. R. Civ. P. 1.340(c), to the extent Defendant's Interrogatories seek information about which Plaintiff has no personal knowledge or documents which are not in Defendant's possession, custody, control.

6. Plaintiff or its assigns objects to Defendant's Interrogatories and to producing responsive documents, to the extent that the answer to a given Interrogatory is may be derived or ascertained by producing records under Fla. R. Civ. P. 1.340(c), to the extent Defendant's Interrogatories seek information relating to a time period that is unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

7. Plaintiff or its assigns objects to Defendant's Interrogatories and to producing responsive documents, to the extent that the answer to a given Interrogatory is may be derived or ascertained by producing records under Fla. R. Civ. P. 1.340(c), to the extent Defendant's Interrogatories seek information that is not already in existence or requires Plaintiff to create a document not already in existence.

8. Plaintiff or its assigns objects to Defendant's Interrogatories and to producing responsive documents, to the extent that the answer to a given Interrogatory is may be derived or ascertained by producing records under Fla. R. Civ. P. 1.340(c), without a mutually acceptable confidentiality agreement and protective order.

9. Plaintiff or its assigns objects to Defendant's Interrogatories and to producing responsive documents, to the extent that the answer to a given Interrogatory is may be derived or ascertained by producing records under Fla. R. Civ. P. 1.340(c), to the extent Defendant's Interrogatories seek information from Plaintiff's

counsel and not Plaintiff.

10. Plaintiff or its assigns objects to Defendant's Definitions and/or Instructions to the extent they impose a greater burden, create a broader scope of discovery, or are otherwise inconsistent with Fla. R. Civ. P. 1.280 and 1.340.

11. Plaintiff or its assigns specifically reserves the right to supplement or amend these Responses and Objections. Neither the fact that an objection is interposed to a particular Interrogatory nor the fact that no objection is interposed necessarily means that responsive information or documents, to the extent that the answer to a given Interrogatory is more determined by producing records under Fla. R. Civ. P. 1.340(c), exist.

12. Plaintiff or its assigns, through its Responses and Objections to Defendant's Interrogatories, does not waive its' right to challenge the relevance, materiality, or admissibility of the information or documents, to the extent that the answer to a given Interrogatory is more determined by producing records under Fla. R. Civ. P. 1.340(c), or object to the use of the information or document at trial or any other proceeding in this case.

RESPONSES AND SPECIFIC OBJECTIONS

Interrogatory No. 1

State the name, job title and business address of each person providing information in response to these discovery requests.

Response

Chase Rep
800 Brookside Blvd,
Westerville OH 43081
1-800-848-9134

The undersigned for Plaintiff provided information in response to these discovery requests.

Interrogatory No. 2

State the type of business organization US Bank National Association, JP Morgan Mortgage Trust 2007-S2 is, and name every state of the union in which it is chartered or registered.

Response

Plaintiff objects to Defendant's second Interrogatory as the information Defendant is seeking to obtain is a matter of public records and therefore just as accessible to the Defendant as it is to the Plaintiff.

Interrogatory No. 3

State the name, job title and business address of each person who has first hand personal knowledge of the time and/or circumstances under which the promissory note obligating Lisa B. Epstein and/or alienable in this instant case was lost or destroyed as alleged in the Complaint.

Response

Plaintiff objects to Defendant's Third Interrogatory as it is unclear, ambiguous, confusing and capable of multiple interpretations. Specifically, this interrogatory is moot as Plaintiff is in possession of the Note. Accordingly, Plaintiff is left to speculate regarding exactly what Defendant intended this Interrogatory is meant to mean.

Interrogatory No. 4

State the names of all persons or entities, in order of assignment, who at any time were constructive holders or holders in due course of the promissory note obligating Lisa B. Epstein and/or alienable in this instant case prior to its alleged assignment to US Bank National Association, JP Morgan Mortgage Trust 2007-S2.

Response

Plaintiff objects to Defendant's fourth interrogatory as this interrogatory is overly broad and unduly burdensome and is not designed or calculated to lead to the discovery of admissible evidence. Additionally, it is evident from the pleadings that the Plaintiff was not the entity that originated this loan transaction. Therefore, it is evident from the context of this Interrogatory that the question relates to the actions or non action of a third party to this matter.

Interrogatory No. 5

Explain why the alleged copy of the promissory note submitted and attached to the named Plaintiff's complaint includes no allonge showing any assignment of the note to named Plaintiff US Bank National

Association, JP Morgan Mortgage Trust 2007-S2.

Response

Plaintiff objects to Defendant's fifth Interrogatory as this Interrogatory is overly broad and unduly burdensome and is not designed or calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Plaintiff has the legal, beneficial and equitable rights claimed in the Complaint in this matter as the holder of the Note, a negotiable instrument, in which this matter is based. Furthermore, Plaintiff has all the rights afforded to the holder of a Note, including the right to foreclose on the Mortgage secured by the Note.

Interrogatory No. 6

Describe in detail when, where and how the promissory note obligating Lisa B. Epstein and/or alienable in this case came to be lost or destroyed as alleged in the complaint.

Response

Plaintiff objects to Defendant's Sixth Interrogatory as it is unclear, ambiguous, confusing and capable of multiple interpretations. Specifically, this interrogatory is moot as Plaintiff is in possession of the Note. Accordingly, Plaintiff is left to speculate regarding exactly what Defendant intended this Interrogatory is meant to mean

Date: 12/17/09

Signature: 

Print Name: Whitney K. Cook

Title: Assistant Secretary

The foregoing instrument was subscribed and sworn to before me this 17 day of

Dec, 2009, by Whitney K. Cook who is personally known to me.

Ashley L. Bond
Notary Public, State of _____
My Commission Expires: Ohio

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to LISA
B. EPSTEIN, Dated this 22 day of Dec, 2009.



Ashley L. Bond
Notary Public, State of Ohio
My Commission Expires
12/10/2013

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