

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

DAVID HELMSTETTER, et al.,)	
)	
Plaintiffs,)	
vs.)	Case No. 2:19-cv-02532-KHV-TJJ
)	
JPMORGAN CHASE BANK, N.A., et al.)	
)	
Defendants.)	

**DEFENDANT FEDERAL NATIONAL MORTGAGE ASSOCIATION'S
OBJECTIONS AND RESPONSES TO RULE 30(b)(6) DEPOSITION NOTICE**

Pursuant to Rules 26 and 30 of the Federal Rules of Civil Procedure and this Court's February 18, 2021 Order [ECF 112, 113], Defendant Federal National Mortgage Association ("Fannie Mae"), responds and objects to Plaintiffs David and Jaqueline Helmstetters' Rule 30(b)(6) deposition topics as follows (the "Objections").

Response and Objections

1. To discuss and explain all documents and information disclosed by Defendants as Rule 26(a) disclosures and documents numbered DEF 000001-55.

Objection: Fannie Mae can only answer questions about its own Rule 26(a) disclosures and documents numbered FNMA 1-66 and any FNMA supplements.

2. Discuss and explain all aspects of the Helmstetter's Note(s), Mortgage, 2008 Advance(s), and 2014 Modification as they apply to documents in exchanged in this case.

Objection: Fannie Mae cannot answer questions about "all aspects" of the Helmstetters' 2006 Note, Mortgage, and 2014 Modification because these topics are outside Fannie Mae's knowledge and control. Fannie Mae did not originate the 2006 Note or execute the 2014 Modification. As to the 2006 Note, Mortgage, and 2014 Modification, the Helmstetter released all claims based on events existing prior to January 6, 2018; thus, any

questions relating to these documents based on events prior to the settlement are beyond the scope of discovery in this action.

Response: Fannie Mae can answer questions related to the Homesaver program, HSA collection policies, the Helmstetters' 2008 HSA, and servicing of the HSA.

3. Discuss and explain the documents filed as Exhibit 36-1 in this matter on November 12, 2019.

No objection.

4. Discuss and explain the policies and procedures for loan servicing as applied to the Helmstetter's Account Activity and Loan Accounting including payoff(s).

Objection: Fannie Mae cannot answer questions about "loan servicing as applied to the Helmstetter's Account Activity and Loan Accounting including payoff(s)" because Fannie Mae is not a loan servicer, does not control "Account Activity" or "Loan Accounting," and does not prepare payoffs. Accordingly, Fannie Mae cannot answer any questions about payment application, mortgage statements, payoff statements, payoff calculations, or servicing notes. These topics are outside Fannie Mae's knowledge and control.

5. Discuss and explain the Helmstetter mortgage statements in the context of statutory compliance as to proper application of payments (accounting of payments) and information required to be disclosed to the borrower.

Objection: Fannie Mae cannot answer questions about "mortgage statements in the context of statutory compliance as to proper application of payments (accounting of payments) and information required to be disclosed to the borrower" because Fannie Mae

is not a loan servicer. Accordingly, Fannie Mae cannot answer any questions about payment application, mortgage statements, payoff statements, payoff calculations, or servicing notes. These topics are outside Fannie Mae's knowledge and control.

6. Discuss and explain policies, procedures, and statutory compliance regarding payoff statements.

Objection: Fannie Mae cannot answer questions about payoff statements because Fannie Mae does not prepare payoff statements. These topics are outside Fannie Mae's knowledge and control.

7. Discuss and explain policies, procedures, and statutory compliance regarding transfers of servicing or transfer of ownership including, but not limited to, the timing and required form of such information.

Objection: This topic is outside the scope of discovery for this case because the Plaintiffs did not allege a cause of action based on service or ownership transfers, and the Court denied Plaintiffs' attempt to include any such claim in the Pre-Trial Order. This topic is also outside Fannie Mae's knowledge and control because Fannie Mae is not a loan servicer.

8. Discuss and explain policies, procedures, and statutory compliance regarding forms of communication with borrowers in and out of litigation.

Objection: This topic is outside the scope of discovery for this case because the Court denied Plaintiffs' Motion for Leave to Amend Complaint to add claims for discrimination based on communications with borrowers in litigation.

9. Discuss and explain the servicing notes on the Helmstetter loan.

Objection: Fannie Mae cannot answer questions about "servicing notes" because Fannie Mae is not a loan servicer. Accordingly, Fannie Mae cannot answer any questions about payment application, mortgage statements, payoff statements, payoff calculations, or servicing notes. These topics are outside Fannie Mae's knowledge and control.

10. Discuss and explain your responses to discovery.

No Objection.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANTS
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 26, 2021, the foregoing was served via email to Judge James's Chambers and to Plaintiffs' counsel of record:

/s/ Michelle M. Masoner
Attorney for Defendants