

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

BEA HUML, INDIVIDUALLY, JOEY RODRIGUEZ,
INDIVIDUALLY, CHRISTOPHER LEE VALDEZ AND
WIFE ENEIDA VALDEZ INDIVIDUALLY AND
JOINTLY, JOE BRUSCUELAS AND WIFE YVETTE
BRUSCUELAS, INDIVIDUALLY AND JOINTLY,
MARIBEL VILLALOBOS INDIVIDUALLY, AND
ELENA ESCOBEDO, INDIVIDUALLY, & "JOHN
DOE (s)" AND "JANE DOE (s)" (BY AND ON BEHALF
KNOWN AND UNKNOWN PARTIES)

CAUSE NO. 3:12-CV-
00146-DB

PLAINTIFFS,

vs.

FEDERAL NATIONAL MORTGAGE
ASSOCIATION; MERSCORP, INC.; MORTGAGE
ELECTRONIC REGISTRATON SYSTEMS, INC;
BAC HOME LOAN SERVICING, LP.; THE BANK OF
NEW YORK MELLON, F/K/A THE BANK OF NEW
YORK CWABS, INC., (ASSETT-BACKED
SECURITIES, SERIES 2007-9).

DEFENDANTS.

**PLAINTIFF'S MOTION TO REURGE STATE COURT ORDER GRANTING
INJUNCTIVE RELEF/ TEMPORARY RESTATING ORDER**

TO THE HONORABLE SENIOR JUDGE BRIONES:

Comes now Plaintiffs, BEA HUML, ET AL., by and through their counsel RICHARD A. ROMAN, and asks this honorable court to allow petitioners to reurge the provisions and mandates contained in a state court injunction, as follows. This motion is subject to amendment or supplementation.

I.

Plaintiffs herein adopt all motions, pleadings and evidence submitted heretofore to this honorable court. As previously plead and argued, Plaintiffs

argue that they are entitled to the injunctive relief granted by the state court because plaintiffs have the right to have their lives placed on a course that restores a state of normalcy and stability. The state court rightly and justly enjoined Defendants from various actions as alleged therein.

II.

However, Plaintiffs are nevertheless compelled to respond to various statements in "Defendant's Reply to Plaintiff's Response to Defendant's Motion to Vacate Ex Parte Temporary Restating Order" filed on May 5, 2012, accordingly:

- (1) Regarding Defendant's various averments of "procedural shortcomings" relative to hearing notice, etc., and Judge Rangel's April 2012 order, plaintiffs understand that all parties will be bound by notice of a new hearing as stated in Judge Briones' May 17, 2012 order "...the Court finds that by dissolving the state court injunction, Defendants may be given notice and an opportunity to be heard if Plaintiffs choose to reurge such a TRO";
- (2) At said hearing plaintiffs will provide proof that this matter must proceed to a jury trial. At trial plaintiffs will indeed prevail on any, if not all, of their causes of action in large measure due to the damaging, unrebutted and unequivocally probative nature of the robo-signing power point presentation. This evidence is the "slide show" the defendants mockingly refer to when discussing "invalid or improper document(s)" Curiously, the defendant's know that admissible, demonstrative evidence such as this robo-signing power point presentation is commonly used to assist jury's in understanding complex evidentiary issues and, thus, arrive at verdicts;
- (3) The "Affidavit of Bea Huml" that defendants claim "merely recites legal conclusions and buzzwords" related to robo-signing is a weak attempt to marginalize the toxic effects of robo-signing. At a hearing to reurge the

TRO, the evidence will show that these plaintiffs are Spanish-speaking, hard-working, responsible homeowners who, not unlike many homeowners in the United States, have fallen on hard economic times not of their making. The plaintiffs are of Latino socio-economic background. As a consequence, the Defendant's actions are inordinately punitive and discriminatory to these plaintiffs and other homeowners similarly situated. The "legal conclusions" and "buzzwords" in this affidavit clearly describe real, measurable and compensable legal/ social injustices being inflicted upon these plaintiffs. The negative impact of robo signing cannot be overstated. It cannot be minimized. Hence, the term robo signing should have the same legal/ societal import as terms such as "to big to fail", "racial equality" and "red line/ predatory lending practices". This is how far-reaching, endemic and poisonous this foreclosure/robo signing problem has become;

- (4) Robo signing and other foreclosure issues do not come as any surprise to the Defendants. JP Morgan Chase CEO Jamie Dimon is the first major Wall Street executive to publically admit his firm was at fault in the robo signing scandal, which caused millions of homeowners to lose their homes. "Our servicing operations left a lot to be desired", wrote Dimon. "There were too many paperwork errors, including affidavits that were improperly signed because the signers did not have personal knowledge about what was in the affidavits, but instead relied on the company's process" (*Housing Predictor, Friday, May 18, 2012*);
- (5) In their own pleadings and in their own words, the Defendants have made tacit admissions that their clients may or could be found liable by a jury or a court for "problems with document filings in El Paso County".

