



Renee <ryamagishi@gmail.com>

Yamagishi v. Nationstar

12 messages

Butler, Christopher M. <CButler@reedsmith.com>
To: "ryamagishi@gmail.com" <ryamagishi@gmail.com>

Wed, Jun 27, 2018 at 10:04 AM

Dear Ms. Yamagishi,

We have been trying without success to contact you. Our office was just retained by Nationstar to represent them with regard to the lawsuit you have filed.

In reviewing the file, we noticed that you have filed several lawsuits against Nationstar with regard to the property. However, we are not aware of whether you have engaged in any settlement discussions. Before continuing down the course of litigation, we would like to discuss with you what you are seeking. Can you please call me to discuss or respond to this email advising your demand for settling this matter?

As our client's response is due next week, we would ask that you respond immediately as if the case is not going to settle, we will need to meet and confer with regard to our demurrer by Friday. In the alternative, we could agree to extend the time to respond to the complaint to permit more time to explore resolution. Thank you.

Sincerely,

Christopher M. Butler

+1 213 457 8223

cbutler@reedsmith.com

Reed Smith LLP

355 South Grand Avenue

Suite 2900

Los Angeles, CA 90071-1514

+1 213 457 8000

Fax +1 213 457 8080

This E-mail, along with any attachments, is considered confidential and may well be legally privileged. If you have received it in error, you are on notice of its status. Please notify us immediately by reply e-mail and then delete this message from your system. Please do not copy it or use it for any purposes, or disclose its contents to any other person. Thank you for your cooperation.

Renee Yamagishi <ryamagishi@gmail.com>
To: "Butler, Christopher M." <CButler@reedsmith.com>

Wed, Jun 27, 2018 at 1:16 PM

Good day Mr. Butler,

Thank you, yes I received your voicemail messages yesterday.

I will be FedExing my response to your office later today but it won't contain a "settlement demand" at this phase, it will however further that direction and encourage resolution process.

I have, for years, repeatedly (and repeatedly) asked Nationstar and other defendants to discuss alternatives to foreclosure, to engage in ADR and the like -- it has been your client who has refused to answer several formal QWR and Notice & Error letters in a substantive way to avoid the need for litigation to retain our family home; nor have lawsuits ever proceeded to trial and discovery so any meaningful judicial review of the actual merits of both sides remain a moot point in those cases; and all this since 2013 when Nationstar replaced BofA as mortgage- servicer. Therefore your gesture is the first of its kind from Nationstar.

That said, please look for FedEx mailing to your office.

Given the soon deadline for Nationstar's response however, I will informally agree here by email to your request for a 15-day extension for deadline to respond to the complaint. Please also note there is OSC hearing on August 7, 2018; with defendants' pleadings due by 07/17/2018. Are you also asking for an extension on our OSC hearing and deadlines for responsive motions? It might make sense that an extension to respond should prompt an extension of the current order for temporary restraint of non-judicial foreclosure process and also push out the OSC hearing; for expediency of the court. Please review the attached and let me know your request.

To help inform my more detailed mailing to you please clarify if you and/or your firm also represent Wilmington Trust National Association, M&T Bank or any other defendants in the case, or is Nationstar Mortgage LLC dba Mr. Cooper your only client with regards to my active complaint? An email reply is sufficient and I will await my writings to you until I am clear on this.

Thank you,

R. Yamagishi

[Quoted text hidden]

Renee S. Ramos Yamagishi

Butler, Christopher M. <CButler@reedsmith.com>
To: Renee Yamagishi <ryamagishi@gmail.com>

Mon, Jul 2, 2018 at 2:17 PM

Dear Ms. Yamagishi,

Thank you for agreeing to the extension of our time to respond for 15 days which will make our response due on July 20. Please be advised that in addition to representing Nationstar we also represent Wilmington Trust and M&T Bank. Please feel free to reach out if you have any further questions.

Sincerely,

Christopher M. Butler

+1 213 457 8223

cbutler@reedsmith.com

Renee Yamagishi <ryamagishi@gmail.com>
To: "Butler, Christopher M." <CButler@reedsmith.com>

Mon, Jul 2, 2018 at 4:34 PM

Good day Mr. Butler,

Thank you. So, to confirm: you plan to respond to the complaint by July 20; yet defendants also have filings due for the OSC hearing scheduled for Aug 7, i.e. by July 17th as per the order, plaintiff response due July 24. I asked in my last email about the OSC and suggested we move both matters out 15 days. Since you've not mentioned the second matter here I will: I propose quid pro quo: Both your response time extends 15 days and my protective order and hearing dates also amend to extend 15 days as the court calendar allows. I am prepared to email our court's clerks to reset reservation hearing for OSC and pleading due dates. What say you?


As for you additional defendants, it's curious that we are just learning they have no other representation other than the same legal counsel as Nationstar, however so be it. Please note however, Mr. Butler, that "Wilmington Trust" is not a defendant: "Wilmington Trust National Association" is. Apparently there is a difference. For example it appears there exists a "Wilmington Trust Company" entity which is distinct and different from "Wilmington Trust National Association" to my understanding, but please check with you clients — companies have been known to change names or designations. I would appreciate your confirmation as to the defendant name(s) you in fact represent at this time and in this case, much appreciated.

In addition, the many-worded entity cited to in the most recent February 2018 publicly recorded Assignment of Deed of Trust as the assignee and alleged injured party and defendant named "Wilmington Trust National Association as Successor Trustee to Citibank, N.A. as Trustee of the Trust Series 2006 HE-5." Please see attached. I most earnestly ask for your clarification with specificity exactly which defendant entities I have named that you or your firm represents. M&T Bank as parent company of both Wilmington Trust entities is clear enough.

I await your replies to these questions before responding to your other requests such as any responsive commentary on your gesture of a "settlement demand," which would need to be made to an audience that includes the M&T Bank and Wilmington entities at the very least; as a starting point.

Thank you and good day again!

[Quoted text hidden]

 RN2018Ass5_4WTNA.pdf
619K



Renee <ryamagishi@gmail.com>

Yamagishi v. Nationstar

4 messages

Butler, Christopher M. <CButler@reedsmith.com>
To: Renee Yamagishi <ryamagishi@gmail.com>

Fri, Jul 6, 2018 at 5:46 PM

Ms. Yamagishi,

While I appreciate your agreement to the 15 day extension regarding our responsive pleading to your Complaint and to allow us to get up to speed in this matter, I am unable to extend the TRO.

Additionally, I'm sorry for the confusion regarding the parties we represent. This office represents Nationstar Mortgage LLC and the trust, Wilmington Trust, National Association, as Successor Trustee to CitiBank N.A., as Trustee for Merrill Lynch Mortgage Investors Trust, Mortgage Loan Asset-Backed Certificates, Series 2006-HE5. We also represent Wilmington Trust, N.A., individually, and M&T Bank, which we believe are improperly named in this lawsuit. We base that assertion on Wilmington Trust, N.A., individually, and M&T Bank having not taken any action which would result in damage to you and the complaint fails to allege that they have taken any action against you. Please advise as to whether you would be willing to discontinuing the action as to those two Defendants.

Please note that I have still not received your fed ex mailing mentioned in your email on June 27. Kindly provide me with an update at you earliest convenience.

Sincerely,

Christopher M. Butler

+1 213 457 8223

cbutler@reedsmith.com

Reed Smith LLP

355 South Grand Avenue

Suite 2900

Los Angeles, CA 90071-1514

+1 213 457 8000

Fax +1 213 457 8080

Renee Yamagishi <ryamagishi@gmail.com>
To: "Butler, Christopher M." <CButler@reedsmith.com>

Sun, Jul 8, 2018 at 10:09 AM

.Good day Mr. Butler,

I will be taking your email message under advisement with our team for Mathews-Street.

Meanwhile I can tell you conclusively at this time that no defendants will be dismissed; you are free to plead your position on demurrer.

I take note that your requested 15-day extension to which I have agreed puts your new deadline for responsive pleading by July 20th. May I remind you that no sooner than five days prior to the filing of your demurrer we are to comply with 430.41 of CalCivCodeProc and hold a duly-conducted Meet & Confer telephonic (or in person) conference. Please note this email specifies to you that my calendar is wide open to schedule this phone conference and I ask you to specify your first and second choices for date and times to meet by telephone. I suggest this helpful article for reference <http://www.legaldocspro.net/blog/tag/code-of-civil-procedure-section-430-41/>

I have asked for quid pro quo but you and your clients have come short of my request for extending TRO while enjoying your 15 day extension to respond. Therefore I make a second request which is actually of mutual benefit to all parties I believe: which is that we grant one another mutual permission to record any and all telephonic conferences in order to be able to reference the audio later for more detailed study as we both proceed through the case. It seems logical that just as our emails are a "paper trail" which may find itself referenced in discussion or exhibited into pleadings, our audio recordings be mutually agreed as to be fair game for similar review and study, being effectively a "verbal trail" as the case and our hoped-for productive negotiations for dispute-resolution continue.

Thank you,

Renee S. Yamagishi aka Renee S. Ramos
YAMAGISHI v NATIONSTAR MORTGAGE, et al
RG-18906713 Sup.Ct.CA for Alameda County; complaint filed May 29, 2018
ryamagishi@gmail.com
510-990-6868
[Quoted text hidden]

Renee S. Ramos Yamagishi

Independent Researcher, Analyst, Writer
<https://mathews-street-america.net>

Disclaimer: The contents of this email are confidential and intended for the eyes of the recipient only. Any person or entity who accesses messages from this email account who is not a known and/or intended recipient from this sender is deemed unauthorized and subject to liability if breach of confidentiality thereof does or could cause injury to any party affected by such breach. Accordingly no guarantees, warranties, contracts, agreements or representations or any statements made in the content of message can be deemed a liability against the sender if cause for liability is brought by an unintended and unauthorized recipient, subject to remedy of breach. Furthermore, nothing in this email is intended as legal advice and sender is not a bar attorney or law professional; and recipient(s) are to do due diligence as deemed reasonable and prudent.

Butler, Christopher M. <CButler@reedsmith.com>
To: Renee Yamagishi <ryamagishi@gmail.com>

Mon, Jul 9, 2018 at 1:34 PM

Dear Ms. Yamagishi,

Thank you for your Meet and Confer reminder. I am available to do so on Friday July 13th (1st choice) anytime 9 a.m. to 5 p.m. I am also available Wednesday July 11th from 1 p.m. to 3 p.m. At this time I am unable to grant your request to record phone conversations.

Sincerely,