

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CONSUMER FINANCIAL
PROTECTION BUREAU,

Plaintiff

v.

WELTMAN, WEINBERG & REIS
CO., L.P.A.,

Defendant.

Civil Action No. 1:17-cv-00817

Judge Donald C. Nugent

Magistrate Judge William H. Baughman, Jr.

**MEMORANDUM IN SUPPORT OF PLAINTIFF'S MOTION IN LIMINE TO
EXCLUDE RICHARD CORDRAY AS WITNESS AND OTHER EVIDENCE
RELATING TO RETENTION AND WORK AS SPECIAL COUNSEL TO THE OHIO
ATTORNEY GENERAL**

Plaintiff Consumer Financial Protection Bureau (Bureau) moves this Court for a pre-trial ruling to exclude certain testimony and other evidence relating to practices of Defendant that are different from the practices at issue in this case. Specifically, the Bureau moves to exclude Richard Cordray as a witness, as well as other evidence relating to the Ohio Attorney General's retention of Alan Weinberg, then a shareholder of Defendant Weltman, Weinberg, & Reis Co., L.P.A.'s (WWR), as special counsel in 2009 and 2010 to collect debts on behalf of the State of Ohio.

INTRODUCTION

WWR has indicated it will call Richard Cordray as a witness at trial. Mr. Cordray was the Attorney General of Ohio in 2009 and 2010 when that office retained Mr. Weinberg to collect debts owed to the State of Ohio (State) as special counsel. Mr. Cordray subsequently became the Director of the Bureau, where he authorized the filing of this lawsuit against WWR.

The prospect of Mr. Cordray testifying is problematic for several reasons. First, there is a significant risk of confusion, undue delay, or unfair prejudice if Mr. Cordray were to testify regarding WWR practices that are different from those at issue here. Assuming such evidence would even be relevant, Mr. Cordray's testimony regarding practices he encountered as Ohio Attorney General could easily be confused by the jury with the practices at issue here. The jury likewise could confuse evidence of WWR's alleged belief that its collection of the State's debts using different practices and different letters was compliant with the law to find either that WWR is not liable for its collection letters and practices in this action or that the amount of any civil money penalty should be reduced.

Second, at the deposition of Mr. Cordray, a lay witness, WWR's counsel asked questions regarding his opinion on whether collection letters on Ohio letterhead to collect the State's debts and the WWR letters at issue here mislead consumers, as well as questions that required an interpretation of the FDCPA and CFPA. Any attempt to elicit Mr. Cordray's opinion on these questions of law at trial should be rejected.

Finally, certain lines of questioning during Mr. Cordray's deposition also suggest that WWR intends to elicit testimony concerning Mr. Cordray's basis for authorizing both this action and the preceding investigation of WWR when he was Director of the Bureau. Evidence on these subjects, in addition to being irrelevant, is protected from disclosure by various privileges and

the attorney work product doctrine.

Therefore, the Court should exclude Mr. Cordray as a witness and bar WWR from introducing any evidence relating to Mr. Weinberg's work as special counsel to collect the State's debts.

LEGAL STANDARD

Only relevant evidence—that which has “any tendency to make a fact more or less probable than it would be without the evidence”—is admissible. Fed. R. Evid. 401, 402.

Although the standard for relevance is “extremely liberal,” *United States v. Whittington*, 455 F.3d 736, 738-39 (6th Cir. 2006) (citation omitted), the Court nonetheless may exclude relevant evidence “if its probative value is substantially outweighed by a danger of ... unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence.” *Prod. Design Servs., Inc. v. Sutherland-Schultz*, No. 3:13-cv-338, 2015 WL 1879975, at *3 (S.D. Ohio Apr. 23, 2015) (citing Fed. R. Evid. 403).

With respect to a lay witness's opinion, Federal Rule of Evidence 701 limits such an opinion “to one that is: (a) rationally based on the witness's perception; (b) helpful to clearly understanding the witness's testimony or to determining a fact in issue; and (c) not based on scientific, technical, or other specialized knowledge within the scope of Rule 702.” All three prongs of Rule 701 must be satisfied by the proponent of such testimony for the evidence to be admissible. *See United States v. Kilpatrick*, 798 F.3d 365, 379 (6th Cir. 2015) (citation omitted).

Privileged testimony should also be excluded. *See* Fed. R. Evid. 501 (providing that federal common law privileges generally apply in federal cases). The attorney-client privilege protects from disclosure confidential communications by a client to his attorney the purpose of which is to obtain legal advice. *See United States v. Goldfarb*, 328 F.2d 280, 281 (6th Cir. 1964)

(citing 8 Wigmore, Evidence § 2292, at 554 (1961)). The attorney work-product doctrine, which applies to attorney work product compiled in anticipation of litigation, “operates for a similar purpose [as the attorney-client privilege]: that is, that people should be free to make requests of their attorneys without fear, and that their attorneys should be free to conduct research and prepare litigation strategies without fear that these preparations will be subject to review by outside parties.” *In re Grand Jury Subpoenas*, 454 F.3d 511, 520 (6th Cir. 2006). The deliberative process privilege applies to information that is “predecisional and deliberative, prepared to assist an agency decision maker in arriving at his decision.” *EEOC v. Presrite Corp.*, No. 11 CV 260, 2012 WL 4434055, at *3 (N.D. Ohio Sept. 24, 2012) (citation omitted).

ARGUMENT

I. Evidence Relating to Mr. Weinberg’s Appointment and WWR’s Collection of the State’s Debts Is Likely to Confuse and Mislead the Jury, Waste Time, and Unfairly Prejudice the Bureau.

The Court should exercise its discretion to exclude evidence relating to Mr. Cordray’s 2009 and 2010 appointments of Mr. Weinberg as special counsel when he was the Ohio Attorney General. This evidence relates to a different WWR unit than the one at issue in this action, different collection letters, and relates to conduct that occurred before the period covered by this action. Because this evidence will confuse the jury, unfairly prejudice the Bureau, and waste time, it should be excluded. The Court should likewise exclude evidence of the Ohio Attorney General’s 2009-2010 collection practices, which WWR apparently wants to use to argue that its own post-2011 collection practices do not violate the FDCPA or CFPA. This evidence presents even more likelihood of juror confusion – this trial should be focused on WWR’s practices since 2011, not the 2009-2010 practices of a non-party.

Courts apply Rule 403 to exclude evidence relating to different conduct, practices, or events because of the significant risk of confusion to the jury and of delay in the proceedings,

notwithstanding any limited probative value such evidence might have. In *In re Air Crash Disaster*, 86 F.3d 498, 530-31 (6th Cir. 1996), the Sixth Circuit held that the district court did not abuse its discretion in excluding under Rule 403 evidence relating to “different model flight directors used on heavier planes with different engines,” because of the potential for jury confusion, even though the Court of Appeals disagreed with the district court’s conclusion that the evidence was also inadmissible for impeachment purposes. Evidence of different events or conduct that occurred earlier in time than the ones in dispute likewise is inadmissible for similar reasons. See *Tate & Lyle Americas LLC v. Glatt Air Techniques, Inc.*, No. 13-2037, 2016 WL 9686135, at *7 (C.D. Ill. Dec. 10, 2016) (confirming, on defendant’s motion for a new trial, that nothing at trial changed court’s earlier decision to exclude evidence of a fire that “occurred 7 years apart, in [a] different location[], under very different circumstances” than the equipment fire at issue in the case); *Johnson v. Fed. Express Corp.*, No. CV-14-02428-PHX-DCG, 2016 WL 4448757, at *2 (D. Ariz. Aug. 24, 2016) (granting motion in limine to exclude marginally relevant evidence of “an alleged violation of a policy not at issue in this case, in a different office and region” because introduction of evidence would “consume valuable trial time” on unrelated issues); *DeAngelis v. City of Bridgeport*, No. 3:14-cv-01618 (JAM), 2018 WL 429156, at *4 (D. Conn. Jan. 15, 2018) (excluding evidence of disability-related discrimination occurring years earlier involving different supervisor and different factual allegations than those that formed the basis of gender discrimination case against employer).

These principles make clear that evidence relating to Mr. Weinberg’s retention as special counsel in 2009 and 2010 should be excluded.

A. Evidence regarding WWR's collection of the States debts in 2009 and 2010 would only confuse the jury because WWR used different practices and different letters not at issue in this action.

To collect the State's debts, WWR utilized its AG Collection Program, a different unit than the agency collection unit that is the focus of this case. Ex. 1, Bitterman Dep. 253:16-18; Ex. 2, Pona Dep. 209:7-20. The AG Collection Program that collected debt for the State sent demand letters to consumers on Ohio Attorney General letterhead, prominently featuring Mr. Cordray's name and title as Ohio Attorney General, that were signed by Mr. Weinberg as special counsel, and with different content than the letters at issue in this case. Def.'s Mot. for Summ. J., ECF No. 45, Ex. A, Attach. 2; Ex. 3, Cordray Dep. Ex. I. Further, WWR's collection on behalf of the State in 2009 and 2010 involved demand letters and practices that preceded the period covered in this action, which is July 2011 forward.

So while the question for the jury is whether WWR's practices and collection letters that are the subject of this action violate the FDCPA and CFPA, WWR has made clear that it wants to redirect the jury to extraneous evidence relating to *other* practices and *other* letters that a different WWR unit used in 2009 and 2010. Any probative value of evidence relating to WWR's collection of the State's debts is significantly outweighed by the likelihood that the jury would confuse those letters and practices with the letters and practices at issue in this case. The Sixth Circuit has held in similar circumstances that exclusion under these circumstances is appropriate, notwithstanding any marginal relevance evidence. *See In re Air Crash Disaster*, 86 F.3d at 531 (“Though not irrelevant, the exhibits in question were of marginal probative value, because they related to different model flight directors used on heavier planes with different engines. The exhibits would have complicated the proceedings, and could easily have confused the jury.”).

B. Evidence regarding the Ohio Attorney General's collection practices is even further afield and would confuse the jury and waste time.

Somewhat relatedly, WWR may want to call Mr. Cordray to testify regarding the collection practices of the Ohio Attorney General itself, *see* Ex. 3, Cordray Dep. 124:20-23 and Ex. I, apparently to argue that if the office of the Ohio Attorney General's practices did not violate the FDCPA back in 2009 and 2010, then this must mean that WWR has also not violated the FDCPA since 2011. But any collection practices of the Ohio Attorney General to which Mr. Cordray could testify would be nearly a decade old by the time of trial. This testimony would only confuse the jury, which should be assessing whether WWR's collection practices since July 21, 2011, violate with the FDCPA and CFPA, not hearing testimony regarding the decade-old collection practices of a non-party.

And the relevance (if any) of evidence of the practices the Ohio Attorney General used to collect the State's debts is significantly outweighed by the likelihood that the jury would be confused as to whether the Ohio Attorney General's practices serve as a benchmark by which to measure WWR's compliance with either the FDCPA or CFPA. They do not. "[P]racticing within industry standards is not a defense to the FDCPA." *Boatley v. Diem Corp.*, No. CIV. 03-0762-PHX-SMM, 2004 WL 5315892, at *3 (D. Ariz. Mar. 24, 2004)).¹ Moreover, introducing evidence of the manner in which the Ohio Attorney General engaged in debt collection during Mr. Cordray's tenure nearly a decade ago would unduly delay the trial and waste time, especially because that evidence is irrelevant to the jury's consideration of WWR's consumer debt collection practices. *See Johnson*, 2016 WL 4448757, at *2 (acknowledging waste of "valuable

¹ Perhaps even more fundamentally, the Attorney General of Ohio is not a "debt collector" subject to the requirements of the FDCPA. *See* 15 U.S.C. § 1692e(6)(C) (excluding from the definition of "debt collector" any officer of any State to the extent that collecting debts is in the performance of his official duties).

trial time” as valid reason to exclude under Rule 403).

Calling Mr. Cordray to testify about the collection practices of the Ohio Attorney General will unnecessarily complicate the proceedings and risk confusing the jury. This testimony should be excluded. This is especially the case when this evidence is, at best, of questionable relevance.

C. Evidence that the Ohio Attorney General did not identify concerns with WWR’s collection practices in 2009 and 2010 would likewise only confuse the jury and should be excluded.

Finally, evidence that the Ohio Attorney General never identified any concerns with WWR’s collection practices or demand letters in 2009 or 2010 when Mr. Weinberg was special counsel likewise should be excluded. *See* Ex. 3, Cordray Dep. 84:21-85:3, 96:13-19. Even assuming WWR’s letters and practices to collect the State’s debts were the same as the letters and practices at issue here (and they are not), the approval of a state official “is irrelevant to the operation of [a] federal regulatory scheme.” *See Simeon Mgmt. Corp. v. FTC*, 579 F.2d 1137, 1144 (9th Cir. 1978). And, in any event, “representations or assurances by state or local officials lack the authority to bind the federal government” to interpretations of federal law. *United States v. Ormsby*, 252 F.3d 844, 851 (6th Cir. 2001) (citation omitted). Moreover, WWR has pointed to no evidence suggesting that the Attorney General of Ohio (or any official) approved the WWR practices or letters at issue in this action.

Further, there is a significant risk that evidence regarding the Ohio Attorney’s failure to express concerns with WWR’s practices in 2009 or 2010 will mislead the jury to interpret the Ohio Attorney General’s silence as an “imprimatur of government approval,” and thus place on it “greater weight than [it] should otherwise be accorded, thus usurping the role of the jury as a factfinder.” *Roberts v. Wal-Mart Stores, Inc.*, No. 95-0059-H, 1997 WL 38138, at *2 (W.D. Va. Jan. 28, 1997) (excluding Equal Employment Opportunity Commission determination letter); *see also Miller v. Tyco Electronics, Ltd.*, No. 1:10-cv-2479, 2012 WL 5509710, at *2 (M.D. Pa. Nov.

14, 2012) (excluding state agency's finding of no probable cause to prosecute plaintiff's discrimination charge because "[w]hether plaintiff suffered unlawful discrimination ... are issues within the province of the jury" and not the state agency).

And to the extent that the Ohio Attorney General's lack of objection to WWR's collection practices is evidence of WWR's belief that its practices comply with the FDCPA, *see* Ex. 3, Cordray Dep. 121:23-122:4 (WWR counsel: "If you do things exactly the way the Attorney General said was fine and they never tell you to change it, how in the world can [the Bureau] establish we engaged in intentional misconduct?"), the jury is likely to be confused as to whether WWR's purported belief is competent evidence regarding the "good faith" factor that would mitigate any civil money penalty in this action. 12 U.S.C. § 5565(c)(3)(A) (including evidence of defendant's "good faith" as a mitigating factor in the assessment of CMPs). But there is a risk of confusion if WWR points to evidence in support of its purported belief that it complied with the FDCPA when it collected the State's debts in 2009 and 2010, which could lead a jury to believe such evidence could also support a good faith belief that the demand letters at issue here did not mislead consumers.² *See Volvo Trucks N. Am., Inc. v. United States*, No. Civ. 1:01CV00416, 2003 WL 223421, at *4 (M.D.N.C. Jan. 30, 2003) (instructing that good faith must be assessed against plaintiff's compliance with a particular obligation imposed by a regulation, rather than "compliance generally" with the law). Accordingly, any probative value is significantly outweighed by the danger that the jury will improperly consider evidence of WWR's alleged good faith with respect to its collection of the State's debts to recommend a

² The CFPA did not go into effect until July 21, 2011, so WWR cannot credibly argue that the Attorney General's failure to articulate concerns regarding WWR's debt collection practices in 2009 or 2010 means that WWR is entitled to assume that its practices also complied with the CFPA. Accordingly, the risk of jury confusion by this evidence substantially outweighs its probative value.

reduction in civil money penalties assessed for WWR's misrepresentations and deceptive conduct in this action.

Accordingly, the Court should exclude evidence of Mr. Weinberg's retention as special counsel and any testimony from Mr. Cordray under Rule 403.

II. Mr. Cordray's Opinion of WWR's Demand Letters or Whether WWR's Attorneys Are Sufficiently Involved Is Inadmissible Under the Lay Witness Rule.

During this litigation, WWR has argued that Mr. Cordray's opinion of the legality of WWR's demand letters to collect the State's debts is relevant to the disposition of the Bureau's claims. Def.'s Opp. to Pl.'s Mot. for Protective Order 8, ECF No. 22; *see also id.* 10 (“[WWR] is also entitled to inquire whether the letters that serve as the basis for the Bureau’s complaint are any different.”). During Mr. Cordray's deposition, WWR also sought to elicit Mr. Cordray's opinion of whether WWR's attorneys are required to review individual accounts prior to WWR's issuance of a demand letter to avoid liability under the FDCPA and CFPA. *See* Ex. 3, Cordray Dep. 79:1-5 (“[W]as it appropriate for someone to send out letters on your letterhead with your name on it without a lawyer having looked at the account level detail?”). Any opinion testimony by Mr. Cordray would violate the lay witness rule.

“The function of lay opinion testimony is to ‘describ[e] something that the jurors could not otherwise experience for themselves by drawing upon the witness’s sensory and experiential observations that were made as a first-hand witness to a particular event.’” *Kilpatrick*, 798 F.3d at 379 (quoting *United States v. Freeman*, 730 F.3d 590, 595 (6th Cir. 2013)). Nor may “[a] witness, lay or expert, ... form conclusions for a jury that they are competent to reach on their own.” *Freeman*, 730 F.3d at 597 (citing *McGowan v. Cooper Indus., Inc.*, 863 F.2d 1266, 1272 (6th Cir. 1988)). In *Freeman*, the Sixth Circuit held that the district court abused its discretion by admitting the testimony of a government agent who “effectively spoon-fed his interpretations of

... even ordinary English language” to the jury, thus infringing “upon the role of the jury to decide what to infer from the evidence.” *Id.* at 597-98.

Those considerations warrant preclusion of Mr. Cordray’s opinion testimony regarding whether the letters to collect the State’s debts or the letters at issue in this action are misleading, or whether the lack of review by WWR attorneys of any individual accounts before sending demand letters violates the law. His opinion on whether WWR’s demand letters lead consumers to believe that a WWR attorney was meaningfully involved in the collection of the consumer’s debt would require him to construe ordinary English language references to WWR as a law firm comprising attorneys and discuss the import of WWR’s name or the title of Ohio Attorney General on the letterhead. But Mr. Cordray’s interpretation of the demand letters would not rely on his “sensory and experiential observations that were made as a first-hand witness” and thus would invade the province of the jury by making inferences the jury is competent to draw from WWR’s letterhead and text of the demand letters, particularly from the perspective of the least sophisticated consumer. *See id.* at 595, 597-98 (citation omitted); *see also Kistner v. Law Offices of Michael P. Margelefsky, LLC*, 518 F.3d 433, 438 (6th Cir. 2008) (observing that least sophisticated consumer standard applies to evaluating whether debt collector’s communications are false, deceptive, or misleading).

Indeed, the significance of Mr. Cordray’s opinion on whether WWR’s practice not to have an attorney review individual accounts is appropriate under the FDCPA and CFPA rests not on his perception, Fed. R. Evid. 701, but rather on his former positions as both the Ohio Attorney General and the Bureau’s Director. Those titles imply “an aura of expertise and authority [that] increases the risk that the jury will be swayed improperly by [his] testimony, rather than rely on its own interpretation of the evidence.” *Freeman*, 730 F.3d at 599 (citation omitted); *see also*

McClain v. Norfolk S. Rwy. Co., No. 3:07CV2389, 2009 WL 2004372, at *1 (N.D. Ohio June 29, 2009) (holding inadmissible lay opinion testimony by past and current railway workers on safety issue because “[t]he jury will see photos and hear from the plaintiff as to what happened. It, not lay witnesses, can and will draw the appropriate conclusion from the direct evidence.”). The Court should thus exclude under Federal Rule of Evidence 701 Mr. Cordray’s opinion testimony concerning whether he finds WWR’s demand letters misleading and whether he believes WWR’s collection practices violate the law.

III. Evidence Relating to Mr. Cordray’s Decision to Authorize the Bureau’s Investigation of and Action against WWR is Privileged and Should Be Excluded at Trial.

In this litigation, WWR has suggested that the basis for Mr. Cordray’s decision to authorize this action is relevant. *See e.g.*, Ex. 3, Cordray Dep. 104:10-12 (“What do you recall about the letters ... that you found to be illegal behavior?”). Mr. Cordray’s testimony and other evidence responsive to these lines of questions are protected from disclosure by the attorney-client privilege, the deliberative process privilege, and the attorney work product doctrine.

During his deposition, Mr. Cordray testified that his approval of the Bureau’s complaint in this action was based “on a recommendation memo that would have laid out [the Bureau’s attorneys’] understanding ... of the facts they had investigated in the matter and their understanding of ... how the law stands in terms of what the significance of those facts are.” Ex. 3, Cordray Dep. 101:16-102:1. Any evidence that WWR seeks to introduce regarding the Bureau’s attorneys’ understanding of the facts and the application of the law to those facts, as well as their legal advice to Mr. Cordray concerning how to proceed against WWR, falls squarely within the scope of the attorney-client privilege, which protects “communications necessary to obtain legal advice,” *In re Antitrust Grand Jury*, 805 F.2d 155, 162 (6th Cir. 1986),

and the deliberative process privilege, *Presrite*, 2012 WL 4434055, at *3 (“Conclusions, interpretations, impressions, or recommendations formulated by the investigator are subject to the privilege.” (citation and internal quotations omitted)). WWR also attempted to elicit information from Mr. Cordray concerning his mental impressions and the Bureau’s preparation of the filing this action. *See Ex. 3*, Cordray Dep. 105:1-3 (“Is there anything ... about the sending of the letters that isn’t set forth in the complaint?”). Moreover, evidence concerning whether and why Bureau did not include facts discovered during its investigation in the complaint against WWR, implicates the Bureau’s litigation strategies and thus is shielded from disclosure by the attorney work product doctrine.³

Accordingly, the Court should hold inadmissible privileged information relating to Mr. Cordray’s decision to authorize this action against WWR.

Conclusion

For the reasons set forth above, the Bureau’s motion in limine should be granted and the Court should exclude Richard Cordray as a witness and evidence relating to WWR’s practices and work relating to the firm’s collection of the State’s debts. Should the Court permit Mr. Cordray to testify, the Court should hold inadmissible privileged information regarding his decision to authorize the Bureau’s action against WWR.

³ Further, if in seeking evidence related to information acquired by the Bureau during the investigation that preceded this lawsuit, WWR seeks information related to the Bureau’s law enforcement techniques and procedures, that information may also be protected by the law enforcement privilege. *See In re Dep’t of Investigation of City of New York*, 856 F.2d 481, 484 (2d Cir. 1988) (observing that law enforcement privilege prevents “disclosure of law enforcement techniques and procedures, ... preserve[s] the confidentiality of sources, ... and otherwise ... prevent[s] [the] interference with an investigation.” (citation omitted)).

Dated: April 20, 2018

Respectfully submitted,

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Enforcement Counsel

Certificate of Service

I hereby certify that on April 20, 2018, a copy of the foregoing Motion in Limine and supporting papers was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's system.

/s/ Jehan A. Patterson

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Exhibit 1

1 IN THE UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF OHIO - EASTERN DIVISION
3
4 CONSUMER FINANCIAL)
5 PROTECTION BUREAU,)
6 PLAINTIFF,)
7) JUDGE DONALD C. NUGENT
8 vs.) CASE NO. 1:17-cv-00817
9 WELTMAN, WEINBERG & REIS)
10 CO., L.P.A.,)
11 DEFENDANT.)

12
13 THE DEPOSITION OF EILEEN M. BITTERMAN, ESQ.
14 THURSDAY, DECEMBER 21, 2017
15

16 The deposition of EILEEN M. BITTERMAN, ESQ.,
17 called by the Plaintiff for examination pursuant to
18 the Federal Rules of Civil Procedure, taken before
19 me, the undersigned, Sarah R. Drown, Notary Public
20 within and for the State of Ohio, taken at the
21 Office of the United States Attorney, Carl B.
22 Stokes United States Court House, 801 West Superior
23 Avenue, Suite 400, Cleveland, Ohio, 44113,
24 commencing at 9:00 a.m., the day and date above set
25 forth.

Bitterman
CFPB v. Weltman, Weinberg & Reis, Co.

12/21/2017

1 EILEEN M. BITTERMAN, ESQ.
2 of lawful age, called by the Plaintiff for
3 examination pursuant to the Federal Rules of Civil
4 Procedure, having been first duly sworn, as
5 hereinafter certified, was examined and testified
6 as follows:

7 EXAMINATION OF EILEEN M. BITTERMAN, ESQ.

8 BY MS. PREIS:

9 Q Could you please state your name for the
10 record.

11 A Eileen Bitterman, B-I-T-T-E-R-M-A-N.

12 Q Could you please state your address.

13 A 965 Keynote Circle, Brooklyn Heights, Ohio
14 44131.

15 Q Good morning. My name is Sarah Preis, and I am
16 an attorney with the Consumer Financial
17 Protection Bureau. I represent the CFPB in a
18 case against Weltman, Weinberg & Reis Company,
19 L.P.A. which is pending here in the Northern
20 District of Ohio.

21 I'm going to refer to Weltman, Weinberg &
22 Reis Company, L.P.A. as "Weltman" or "the firm"
23 or "WWR" to help move things along today.

24 If I refer to Scott Weltman at any point,
25 then I will refer to him by his full name to

Bitterman
CFPB v. Weltman, Weinberg & Reis, Co.

12/21/2017

- 1 conversation happen?
- 2 A Again, it would depend on the circumstances of
- 3 the collection efforts made on that account.
- 4 Q Who is Alan Weinberg?
- 5 A He is the former managing shareholder of
- 6 Weltman, Weinberg & Reis.
- 7 Q Were you aware that he was appointed special
- 8 counsel for the Ohio Attorney General?
- 9 A Yes.
- 10 Q How do you know that?
- 11 A Because I was aware when it happened.
- 12 Q What role did you have in the firm's collection
- 13 of debts for the state of Ohio?
- 14 A I provided compliance guidance to that
- 15 particular program when requested.
- 16 Q What was that? Was there a name for that
- 17 program?
- 18 A The AG Collection Program.
- 19 Q Who at the firm was involved in Mr. Weinberg's
- 20 appointment?
- 21 A Mr. Weinberg.
- 22 Q I'm sorry. Yes, Mr. Weinberg's appointment.
- 23 A I'm saying Mr. Weinberg.
- 24 Q No one else at the firm was involved in his
- 25 appointment?

Bitterman
CFPB v. Weltman, Weinberg & Reis, Co.

12/21/2017

1 A In general I can recall that we've been sued
2 under state law, as well as federal law, in
3 lawsuits over the year.

4 Q But you don't recall in which states that's
5 happened?

6 A I can recall -- not all of them, no.

7 Q Can you provide some examples of the ones you
8 do recall?

9 A Illinois.

10 Q Any others?

11 A Minnesota.

12 Q Any others?

13 A Ohio.

14 I don't recall any further.

15 Q Is there any information that I asked about
16 that you remember now but that you didn't
17 recall when I asked the question?

18 A No.

19 Q I have no further questions at this time. The
20 deposition is complete.

21 A Thank you.

22 Q Thank you.

23 MS. STRATFORD: We'll read and
24 sign. Thanks.

25 (Deposition was concluded at 4:52 p.m.)

1 THE STATE OF OHIO,) SS:
2 COUNTY OF CUYAHOGA.)

3

4 I, Sarah R. Drown, a Notary Public within and
5 for the State of Ohio, duly commissioned and
6 qualified, do hereby certify that EILEEN M.
7 BITTERMAN, ESQ., was first duly sworn to testify the
8 truth, the whole truth and nothing but the truth in
9 the cause aforesaid; that the testimony then given
10 by her was by me reduced to stenotypy in the
11 presence of said witness, afterwards transcribed on
12 a computer/printer, and that the foregoing is a true
13 and correct transcript of the testimony so given by
14 her as aforesaid.

15 I do further certify that this deposition was
16 taken at the time and place in the foregoing caption
17 specified. I do further certify that I am not a
18 relative, counsel or attorney of either party, or
19 otherwise interested in the event of this action.

20 IN WITNESS WHEREOF, I have hereunto set my hand
21 and affixed my seal of office at Cleveland, Ohio, on
22 this 4th day of January, 2018.

23 Sarah R. Drown, Notary Public
24 within and for the State of Ohio
My Commission expires April 22, 2022.

25

Sarah Drown mw

Exhibit 2

1 STATE OF OHIO,)
 COUNTY OF CUYAHOGA.)
 2
 3
 4 CONSUMER FINANCIAL)
 PROTECTION BUREAU,)
)
 5 Plaintiff,)
)
 6 vs.) CASE NO. 1:17 CV 817
)
 7 WELTMAN, WEINBERG)
 & REIS CO., LPA,)
 8)
 Defendant.)

9
 10 - - - - -
 THE DEPOSITION OF CHARLES PONA
 11 FRIDAY, NOVEMBER 3, 2017
 - - - - -

12
 13 The deposition of CHARLES PONA, called by the
 14 PLAINTIFF for examination pursuant to the Ohio Rules
 15 of Civil Procedure, taken before me, the
 16 undersigned, Kristin L. Fryman, Notary Public within
 17 and for the State of Ohio, taken at the Office of
 18 the United States Attorney, 801 West Superior
 19 Avenue, Suite 400, Cleveland, Ohio, commencing
 20 at 9:02 a.m., the day and date above set forth.

21 - - -

22
 23
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Pona

CFPB v. Weltman Weinberg & Reis

11/3/2017

1 CHARLES PONA,
2 of lawful age, called by the PLAINTIFF for
3 examination pursuant to the Ohio Rules of Civil
4 Procedure, having been first duly sworn, as
5 hereinafter certified, was examined and testified as
6 follows:

7 EXAMINATION OF CHARLES PONA

8 BY MS. PREIS:

9 Q Would you please state your name for the
10 record.

11 A Sure. Charles G. Pona, P-O-N-A.

12 Q And could you please state your address.

13 A Home address or business?

14 Q Let's do both.

15 A Business address is 965 Keynote Circle,
16 Brooklyn Heights, Ohio 44131.

17 Home address is 9175 Fraser -- spelled
18 F-R-A-S-E-R -- Lane, Chesterland, Ohio 44026.

19 Q Thank you. Good morning. My name is
20 Sarah Preis, and I'm an attorney with the Consumer
21 Financial Protection Bureau. I represent the CFPB
22 in a case against Weltman, Weinberg & Reis Co., LPA,
23 which is pending here in the Northern District of
24 Ohio.

25 I'm going to refer to Weltman,

Pona

CFPB v. Weltman Weinberg & Reis

11/3/2017

1 consumer collections work.

2 Q Was Mr. Weinberg part of the consumer
3 collections unit?

4 A Once we came up with those designations,
5 no, he was never really part and parcel of our
6 consumer unit. No.

7 Q How was the consumer collections unit
8 involved in attempting to collect debts, that were
9 placed by the Ohio Attorney General's Office, as
10 part of Mr. Weinberg's special counsel appointment
11 unit --

12 A Those files --

13 Q -- or special counsel appointment?

14 A Those files would not have been worked in
15 the consumer collections area. It was a special
16 unit outside of our consumer collections group.

17 Q What was that unit called?

18 A I don't know if it had an official name,
19 but I believe they had their own collectors, their
20 own management staff.

21 But I don't know. I don't remember what
22 it was called.

23 Q Who, at the firm, is most knowledgeable
24 about the work of that group?

25 A Currently at the firm?

Pona

CFPB v. Weltman Weinberg & Reis

11/3/2017

1 purchased student loan paper. I don't believe we
2 get that.

3 It's, most likely, all credit card or
4 mostly credit card.

5 Q Is there any information I asked about
6 that you remember now, but that you didn't recall
7 when I asked a question?

8 A No.

9 Q Is there anything that you would like to
10 add to what you have told us, so that we can
11 understand your perspective more clearly?

12 MS. STRATFORD: I'm going to object.

13 Don't answer that. That's not an
14 appropriate deposition question.

15 MS. PREIS: What's the basis -- not
16 appropriate -- is there a basis for my --

17 MS. STRATFORD: It's vague. It's
18 ambiguous. It's overbroad. It's
19 overly burdensome.

20 We're not going to answer that.

21 MS. PREIS: I have no further questions
22 at this time.

23 The deposition is complete.

24 (The deposition concluded at 4:36 p.m.)

25 - - -

1 THE STATE OF OHIO,) SS:
2 COUNTY OF CUYAHOGA.)

3

4 I, Kristin L. Fryman, a Notary Public within
5 and for the State of Ohio, duly commissioned and
6 qualified, do hereby certify that CHARLES PONA, was
7 first duly sworn to testify the truth, the whole
8 truth and nothing but the truth in the cause
9 aforesaid; that the testimony then given by him was
10 by me reduced to stenotypy in the presence of said
11 witness, afterwards transcribed on a
12 computer/printer, and that the foregoing is a true
13 and correct transcript of the testimony so given by
14 him as aforesaid.

15 I do further certify that this deposition was
16 taken at the time and place in the foregoing
17 caption specified. I do further certify that I am
18 not a relative, counsel or attorney of either party,
19 or otherwise interested in the event of this action.

20 IN WITNESS WHEREOF, I have hereunto set my
21 hand and affixed my seal of office at Cleveland,
22 Ohio, on this 12th day of November, 2017.

23



24

Kristin L. Fryman, Notary Public
within and for the State of Ohio

25

Exhibit 3

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

- - - - -

Consumer Financial	:	
Protection Bureau,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	Case No. 1:17-cv-817
	:	
Weltman, Weinberg &	:	
Reis Co., L.P.A.,	:	
	:	
Defendant.	:	
	:	

- - - - -

DEPOSITION OF RICHARD CORDRAY, ESQ.

- - - - -

Taken at Jones Day
325 John H. McConnell Boulevard, Ste. 600
Columbus, OH 43215
December 19, 2017, 8:59 a.m.

- - - - -

Spectrum Reporting LLC
333 Stewart Avenue, Columbus, Ohio 43206
614-444-1000 or 800-635-9071
www.spectrumreporting.com

- - - - -

1 RICHARD CORDRAY, ESQ.

2 being first duly sworn, testifies and says as
3 follows:

4 CROSS-EXAMINATION

5 BY MR. WOOLEY:

6 Q. Could you please state your full name
7 and spell your last name for the reporter, please.

8 A. Richard Adams, plural, Cordray,
9 C-O-R-D-R-A-Y.

10 Q. Mr. Cordray, thank you for making time
11 for us today for your deposition. Am I correct
12 that you're represented by counsel today?

13 A. I am.

14 Q. All right. And that is Mr. Douglas?

15 A. Justice Andrew Douglas, yes.

16 MR. WOOLEY: Okay. And, Justice, would
17 you prefer I referred to you as Justice Douglas?

18 MR. DOUGLAS: I'd be happy for you to
19 call me Andy and I can call you Jim.

20 MR. WOOLEY: That will be fine. I
21 don't have that history, so I have no title
22 associated with my history, unless you want to
23 call me assistant district attorney.

24 MR. DOUGLAS: I don't know. It says

1 Q. On the issue of whether it's
2 appropriate, was it appropriate for someone to
3 send out letters on your letterhead with your name
4 on it without a lawyer having looked at the
5 account level detail?

6 MR. DOUGLAS: Objection. That's an
7 issue in this case and the judge is going to
8 decide. And it calls on him to give a legal
9 conclusion that I don't think he's competent to
10 give or should give. You're not to answer that.

11 MR. WOOLEY: He's not to answer that?

12 MR. DOUGLAS: Not to answer that.

13 Q. Okay. All right. Let's move to
14 Exhibit D.

15 - - - - -

16 Thereupon, Exhibit D is marked for
17 purposes of identification.

18 - - - - -

19 THE WITNESS: Thank you.

20 MR. DOUGLAS: Thank you.

21 Haven't we done this already?

22 THE WITNESS: Two years later.

23 MR. DOUGLAS: Oh, two years later.

24 Q. It's actually one year.

1 MR. WOOLEY: No.

2 THE WITNESS: Okay.

3 MR. WOOLEY: But I -- people are going
4 -- they have afternoon flights, they'll make it.

5 THE WITNESS: Okay. I don't
6 particularly need a break. I'll need a break at
7 some point to feed my meter, but other than that,
8 I'm happy to proceed.

9 MR. WOOLEY: Okay. Well, I mean
10 somebody from your side of the table asked.

11 MR. BRESSLER: I was just curious when
12 you were planning to break.

13 MR. WOOLEY: I'm completely open to it
14 whenever you guys want.

15 MR. BRESSLER: If he's -- that's fine.

16 THE WITNESS: I'd rather not have a
17 break, Steven, thank you.

18 Q. Okay. So in 2010 your office approved
19 the Weinberg firm again?

20 A. We did.

21 Q. Okay. And you don't recall anybody
22 specifically bringing you any complaints about the
23 Weltman, Weinberg & Reis firm --

24 A. I don't recall --

1 Q. -- between?

2 A. -- either way. But we did reapprove
3 them in 2010.

4 Q. Okay. Based on their performance so
5 far and based on the information that they'd
6 provide in their updated RFQ?

7 A. That would be correct.

8 Q. Okay. Do you recall anybody ever
9 before you reupped them or at any point in time
10 saying to you we are going to make sure we have
11 lawyers look at account level detail before we
12 send initial demand letters?

13 A. I don't recall either way.

14 Q. Either way. All right.

15 Exhibit F.

16 - - - - -

17 Thereupon, Exhibit F is marked for
18 purposes of identification.

19 - - - - -

20 THE WITNESS: Thank you.

21 MR. DOUGLAS: Thank you.

22 BY MR. WOOLEY:

23 Q. Do you recognize Exhibit F?

24 A. Not particularly. But I see what the

1 Q. Right.

2 A. You know, those certainly were
3 expectations that the office had of all the firms
4 doing business with the State.

5 Q. Right. Your answer about how these
6 circumstances may have been brought to your
7 attention about this collection firm or that
8 collection firm that --

9 A. I believe they were as I said.

10 Q. Yeah.

11 A. But I don't recall exactly who that
12 would have been.

13 Q. Did your office ever take any action
14 against the Weltman, Weinberg & Reis firm?

15 A. Not that I'm aware of. They would know
16 perhaps better than I. I don't have a
17 recollection one way or the other, but again I
18 don't have any particular recollection that we
19 did.

20 Q. Okay. And in fact, you were there two
21 years, you approved them twice?

22 A. I approved them each year I was there,
23 correct.

24 Q. Okay. Is there a place as we continue

1 not reviewed a corresponding consumer's individual
2 account file to reach a professional judgment that
3 sending a letter is appropriate." Do you see
4 that?

5 A. I see that.

6 Q. And then paragraph 26, the "...demand
7 letters misrepresent...."

8 A. I see that paragraph.

9 Q. Okay. I take it you stand by the
10 complaint?

11 A. Well, I'm no longer the director of the
12 Bureau, so I don't know that it matters one way or
13 another at this point.

14 Q. But do you have any reason to believe
15 that those allegations are not true?

16 A. What I will say is that this complaint
17 would not have been filed without my approval,
18 that would have been based on a recommendation
19 memo that would have laid out their understanding,
20 the attorney's understanding of the facts that
21 they had investigated in the matter and their
22 understanding of what they thought the law -- how
23 the law stands in terms of what the significance
24 of those facts are, and that would have been the

1 basis on which the complaint was filed.

2 Q. Okay. You made a public statement
3 about the complaint when it was filed, correct?

4 A. We often did. I don't recall whether
5 we did here or not. But I assume you're going to
6 show me a document and tell me that we did.

7 Q. Exhibit H.

8 MR. DOUGLAS: Are you finished with the
9 complaint?

10 MR. WOOLEY: I might go back to it.

11 MR. DOUGLAS: Okay.

12 - - - - -

13 Thereupon, Exhibit H is marked for
14 purposes of identification.

15 - - - - -

16 Q. Exhibit H is a press release that was
17 issued by your office. And you'll see the second
18 paragraph quotes you. Do you see that?

19 A. I do.

20 Q. Would you mind reading that for the
21 record, please?

22 A. No, I would not mind. "'Debt
23 collectors who misrepresent that a lawyer was
24 involved in reviewing a consumer's account are

1 the Bureau's investigation of the facts and what
2 they understood the facts to be. And it would
3 have been based on Bureau attorneys'
4 representations as to what they thought the law
5 was in the area as applied to those facts. And --
6 and that would have been the basis for this
7 characterization of what the lawsuit was about.

8 Q. Yeah. "Weltman, Weinberg & Reis masked
9 millions of debt collection letters...with
10 professional standards." What do you recall about
11 the letters that was -- that you found to be
12 illegal behavior?

13 MR. MCCRAY-WORRALL: Objection.

14 A. So I don't recall the specifics of what
15 was in my mind or what I found. I think the
16 specific allegations, factual and legal are in the
17 complaint and have been documented in documents
18 filed in the case and they probably speak for
19 themselves.

20 Q. You've said several times things speak
21 for themselves. I understand. I'm just trying to
22 in discovery to understand your understanding.

23 A. I understand. I understand.

24 Q. Sure. Yeah.

1 Is there anything that -- about the
2 sending of the letters that isn't set forth in the
3 complaint?

4 MR. MCCRAY-WORRALL: Objection.

5 A. Well, I can just speak generally. A
6 complaint lays out with sufficient particularity
7 to initiate a case as to what our understanding of
8 the facts were. And they are allegations, they
9 are not yet proven, and they have to be determined
10 ultimately by a court. And there is a
11 representation as to the legal claims that are
12 based on those facts. And then there will be
13 further documents filed in the case that will
14 flush that out with more particularity or perhaps
15 might migrate as discovery and other matters
16 evolve. And as you know well, the cases can go
17 beyond the mere allegations that were initially
18 contained in a complaint at the outset of the
19 case.

20 Q. And the complaint that you've just read
21 here lays out problems that the agency has or with
22 the demand letters appearing on the firm's
23 letterhead. Do you see that? I directed your
24 attention --

1 MR. DOUGLAS: Objection. I'm going to
2 let him answer it if he wants to answer it. But
3 my point again is that even if the Attorney
4 General was wrong in his application of this law,
5 it does not affect and it does not go to relevancy
6 under 401(b) and is not a fact in consequence in
7 determining this action. Even if they're wrong
8 and your client was wrong doesn't make your client
9 right because they were wrong.

10 MR. WOOLEY: Well --

11 MR. DOUGLAS: So I'm not going to let
12 him answer -- draw that conclusion unless he
13 chooses to do so.

14 MR. MCCRAY-WORRALL: I'll also object
15 that question is vague and appears to call for a
16 legal conclusion.

17 MR. WOOLEY: Andy, I'm going to say on
18 the record intent is an issue in the case. If
19 there -- no. No. We understand the underlying
20 violations. It's our case. You're representing a
21 third party witness.

22 MR. DOUGLAS: Yes.

23 MR. WOOLEY: If there's no intent,
24 there is zero damages. Intent is a defense. If

1 you do things exactly the way the Attorney General
2 said was fine and they never tell you to change
3 it, how in the world can they establish we engaged
4 in intentional misconduct?

5 MR. DOUGLAS: That's for you to defend
6 and somebody else to prove.

7 MR. WOOLEY: But it's also for --

8 MR. DOUGLAS: Not their --

9 MR. WOOLEY: But it's also for me to
10 develop facts in discovery on, Andy, and that's
11 what I'm doing.

12 MR. DOUGLAS: Would you let us answer
13 before you proceed? That's all. I'm just telling
14 you he is not in a position to answer the
15 comparison between those two documents as a lay
16 witness. He is a lay witness in this case.

17 Q. All right. Okay. I and J. I know
18 you're a lay witness. But your -- your name's on
19 the letterhead.

20 A. It is certainly on the letterhead,
21 yeah.

22 Q. And so a consumer receives this letter,
23 sees the name of an Attorney General, there are
24 seven different references to a specific lawyer,

1 MR. MCCRAY-WORRALL: Objection, vague.

2 A. I don't know that I would have. But I
3 would have a sense that someone would have and in
4 the Attorney General's Office --

5 MR. DOUGLAS: To be fair about the
6 question --

7 A. -- and I don't know who that would be.

8 MR. DOUGLAS: -- he didn't send the
9 letter.

10 Q. A lawyer? Would a lawyer have reviewed
11 it?

12 A. It would depend on the facts and
13 circumstances. I don't know offhand.

14 Q. Okay. You say you don't know that you
15 would have. Were you actually looking at account
16 level detail in this high volume collection debt
17 collection?

18 MR. MCCRAY-WORRALL: Objection.

19 Q. Were you doing that, sir?

20 A. At this point you're talking about a
21 letter that was sent from the Weinberg offices,
22 okay. I would not have reviewed that letter
23 before it was sent by Alan Weinberg.

24 Q. Would you have reviewed the underlying

1 But I can tell you I moved into a new neighborhood
2 and I don't want to be voted out of it because a
3 process server.

4 MR. WOOLEY: Well, I don't want to have
5 contact with a represented party.

6 MR. DOUGLAS: You wouldn't do anything
7 unethical, we know that.

8 MR. WOOLEY: Thank you.

9 THE WITNESS: No problem.

10 MR. WOOLEY: Anything else? We're
11 done.

12 (A short recess is taken.)

13 MR. DOUGLAS: I'm was going to ask some
14 questions, but I don't need to. That takes care
15 of it.

16 MR. MCCRAY-WORRALL: No questions.

17 (Signature not waived.)

18 - - - - -

19 Thereupon, the foregoing proceedings
20 concluded at 11:35 a.m.

21 - - - - -

22

23

24

1 State of Ohio : C E R T I F I C A T E
County of Franklin: SS

2

3 I, Stacy M. Upp, a Notary Public in and for the
4 State of Ohio, certify that Richard Cordray was by
5 me duly sworn to testify to the whole truth in the
6 cause aforesaid; testimony then given was reduced
7 to stenotype in the presence of said witness,
8 afterwards transcribed by me; the foregoing is a
9 true record of the testimony so given; and this
10 deposition was taken at the time and place
11 specified on the title page.

7

8 Pursuant to Rule 30(e) of the Federal Rules of
9 Civil Procedure, the witness and/or the parties
10 have not waived review of the deposition
11 transcript.

10 I certify I am not a relative, employee,
11 attorney or counsel of any of the parties hereto,
12 and further I am not a relative or employee of any
attorney or counsel employed by the parties hereto,
or financially interested in the action.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 and affixed my seal of office at Columbus, Ohio, on
December 21, 2017.

15

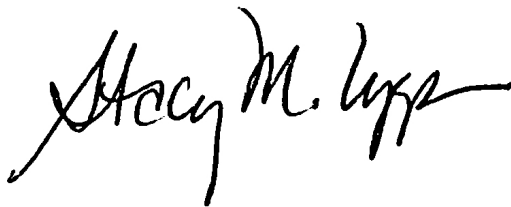
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21

Stacy M. Upp, Notary Public - State of Ohio
My commission expires August 6, 2021.

22

23

24

SPECTRUM  **REPORTING** LLC

December 29, 2017

James R. Wooley, Esq.
Jones Day
901 Lakeside Avenue
Cleveland, OH 44114

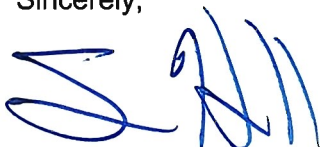
Re: ***The Consumer Financial Protection Bureau v Weltman, Weinberg & Reis, Co., LPA***

Dear Mr. Wooley:

Enclosed you will find an email from Andy Douglas, Esq. regarding his client's right to review his deposition taken on 12/19/2017 in the above-captioned case. The deponent, Richard Cordray, Esq. does not have any corrections he wishes to make and wishes to now waive signature.

If you have any questions concerning this matter, please call me at 614-444-1000.

Sincerely,



Elizabeth Howell
Production Coordinator

Enc.

cc: Wade Sorenson, Esq.
Thomas McCray-Worrall, Esq.
Michael G. Salemi, Esq.
Steven Bressler, Esq.
Ryan A. Doringo, Esq.
ref: 26625

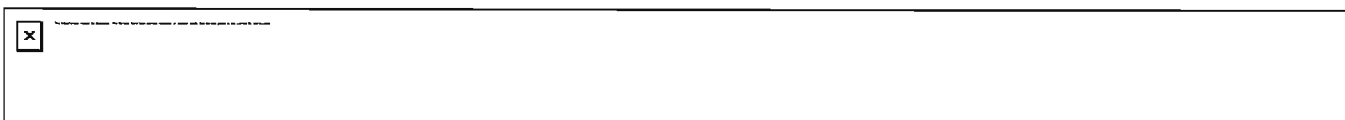
Transcripts from Spectrum Reporting

From: Andy Douglas <ADouglas@cbjlawyers.com>
Sent: Friday, December 22, 2017 3:17 PM
To: Transcripts from Spectrum Reporting
Cc: Andy Douglas
Subject: Re: 26625 | Cordray Exhibits | The Consumer Financial Protection Bureau v Weltman, Weinberg & Reis, Co., LPA

Dear Ms. Howell: We have no meaningful corrections to Richard Cordray's deposition. Signature is waived. Thank you for your help and cooperation. Merry Christmas. My best.

Andy Douglas
Crabbe, Brown & James LLP
500 S. Front Street
Suite 1200
Columbus, Ohio 43215
(614) 506-8050

On Dec 21, 2017, at 9:29 AM, Transcripts from Spectrum Reporting <transcripts@spectrumreporting.com> wrote:



Attached to this email are the text-searchable exhibits from the deposition of **Richard Cordray, Esq.**

Spectrum's PDFs offer the following features:

- **Full-Text Searchability** – All of your files are completely text searchable. That means you can easily find content in your transcripts and exhibits.
- **Hyperlinked Exhibits** – When available, Spectrum links the deposition exhibits within the full-sized transcript so you can easily open the exhibit in place, alleviating the need to browse to find them.
- **Hyperlinked Word Index** – You can quickly jump to keyword references in the condensed PDF transcript by clicking on the bookmarks.

Looking for a different format? Just ask. We can provide an import file for any litigation support software.

Elizabeth Howell
Spectrum Reporting LLC
333 Stewart Avenue
Columbus, OH 43206
P: 614-444-1000
P: 800-635-9071

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<26625 Exhibits - Cordray.zip>

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ALAN H. WEINBERG
Attorney at Law
Special Counsel
AweinbergSC@weltman.com



RICHARD CORDRAY
OHIO ATTORNEY GENERAL

Collections Enforcement-Special Counsel
www-ag.state.oh.us
1.800.273.9395
Fax 216.363.4033

December 14, 2017

«AS_WRWORDLTRADR»

«AS_WRAGLTRPAGE1»

Dear «AS_WRWORDLTRENTNAME»:

The undersigned has been appointed Special Counsel by Richard Cordray, Attorney General of Ohio, for the purpose of collecting the above account balance due and owing to the State of Ohio.

At this time, you must remit to this office the entire balance due and owing as indicated above. In the event you are unable to pay the entire balance due and owing, you must contact this office in order to make satisfactory payment arrangements.

The undersigned is a debt collector attempting to collect this debt for the State of Ohio, and any information obtained will be used for that purpose. Unless you dispute the validity of this debt, or any portion thereof, within thirty (30) days of receipt of this letter, the debt will be assumed valid. If you notify the undersigned in writing within the thirty (30) day period that the debt, or any portion thereof, is disputed, the undersigned will obtain verification of the debt and mail you a copy. If you request in writing within the thirty (30) day period, you will be provided the name and address of the original creditor if different from the current creditor.

All payments are to be made payable to the State of Ohio, in the form of a certified check, cashier's check or money order. To ensure you receive proper credit, note our file number and assessment number on the payment. Payments are to be sent to the following address:

Alan H. Weinberg, Special Counsel for the Ohio Attorney General
323 W. Lakeside Ave., Suite 200
Cleveland, Ohio 44113

Now that the seriousness of this matter has been brought to your attention, I anticipate your immediate response. Should you have any questions with regard to this matter, please feel free to call (216) 685-4299 or (800) 273-9395.

Sincerely,

Alan H. Weinberg
Special Counsel

«AS_WRLTRHDRHRSOPWM2»





ALAN H. WEINBERG
Attorney at Law
Special Counsel
AweinbergSC@weltman.com

RICHARD CORDRAY
OHIO ATTORNEY GENERAL

Collections Enforcement-Special Counsel
www-ag.state.oh.us
1.800.273.9395
Fax 216.363.4033

«AS_WRAGLTRPAGE2»

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CONSUMER FINANCIAL
PROTECTION BUREAU,

Plaintiff

v.

WELTMAN, WEINBERG & REIS
CO., L.P.A.,

Defendant.

Civil Action No. 1:17-cv-00817

Judge Donald C. Nugent

Magistrate Judge William H. Baughman, Jr.

PROPOSED ORDER

This matter comes before the Court upon Plaintiff Consumer Financial Protection Bureau's Motion in Limine to Exclude Richard Cordray as Witness and Other Evidence Relating to Retention and Work as Special Counsel to the Ohio Attorney General. Upon review of the Motion and all documents in support thereof and in opposition thereto, and for good cause shown, it is hereby

ORDERED that Plaintiff's Motion in Limine to Exclude Richard Cordray as Witness and Other Evidence Relating to Retention and Work as Special Counsel to the Ohio Attorney General is GRANTED.

IT IS SO ORDERED.

The Honorable Donald C. Nugent
United States District Judge