

ORIGINAL

11-0908

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

I hereby certify that this instrument,  
document no. 79, filed on 5/24/11, is a true  
and correct copy of the electronically filed original.

Attest: Geri M. Smith, Clerk  
U.S. District Court  
Northern District of Ohio

By: Marne Gowring  
Deputy Clerk

SONDRA ANDERSON,

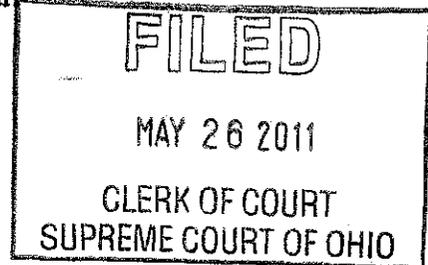
Plaintiff,

v.

BARCLAYS CAPITAL REAL ESTATE INC. d.b.a.  
HOMEQ SERVICING,

Defendant.

Case No. 3:09-cv-02335-JGC  
Judge James G. Carr



**CERTIFICATION ORDER**

Pursuant to Rule 18 of the Rules of Practice of the Supreme Court of Ohio, the undersigned District Judge of the United States District Court for the Northern District of Ohio, Western Division, hereby certifies questions of state law to the Supreme Court of Ohio. No controlling precedent of the Supreme Court of Ohio answers these questions, which are potentially dispositive of the above-captioned case.<sup>1</sup> For the reasons explained in more detail below, the Court requests the Supreme Court of Ohio answer the certified questions of state law set forth in this Certification Order.

**NAME OF THE CASE**

The name of the case is Sondra Anderson v. Barclays Capital Real Estate Inc. d.b.a. HomeEq Servicing, No. 3:09-cv-02335-JGC.

<sup>1</sup> Judge Jack Zouhary, also of the United States District Court for the Northern District of Ohio, Western Division, is simultaneously certifying to the Supreme Court of Ohio similar questions in two consolidated cases: State of Ohio, ex rel. Michael DeWine, Attorney General of Ohio v. GMAC Mortgage, LLC and Jeffrey Stephan, No. 3:10-cv-02537-JZ; and Lois M. Blank, William H. Stroble, Brandon Ritze and Blair Ritze, and Rebecca Lawson v. GMAC Mortgage, LLC and Ally Financial, Inc., No. 1:10-cv-02709-JZ.

**STATEMENT OF FACTS AND CIRCUMSTANCES FROM WHICH THE QUESTIONS OF LAW ARISE**

The above-captioned case raises questions of (1) whether “mortgage servicers” are “suppliers” under the CSPA and (2) whether “mortgage servicing” is a “consumer transaction” under the CSPA.

The CSPA, at O.R.C. § 1345.01(C), defines a “supplier” as:

a seller, lessor, assignor, franchisor, or other person engaged in the business of effecting or soliciting consumer transactions, whether or not the person deals directly with the consumer. If the consumer transaction is in connection with a residential mortgage, “supplier” does not include an assignee or purchaser of the loan for value, except as otherwise provided in section 1345.091 of the Revised Code. For purposes of this division, in a consumer transaction in connection with a residential mortgage, “seller” means a loan officer, mortgage broker, or nonbank mortgage lender.

The CSPA, at O.R.C. § 1345.01(A), defines a “consumer transaction” as:

a sale, lease assignment, award by chance, or other transfer of an item of goods, a service, a franchise, or an intangible, to an individual for purposes that are primarily personal, family, or household, or solicitation to supply any of these things. “Consumer transaction” does not include transactions between persons, defined in sections 4905.03 and 5725.01 of the Revised Code, and their customers, except for transactions involving a loan made pursuant to sections 1321.35 to 1321.48 of the Revised Code and transactions in connection with residential mortgages between loan officers, mortgage brokers, or nonbank mortgage lenders and their customers; transactions between certified public accountants or public accountants and their clients; transactions between attorneys, physicians, or dentists and their clients or patients; and transactions between veterinarians and their patients that pertain to medical treatment but not ancillary services.

Barclays Capital Real Estate Inc. d.b.a. HomEq Servicing (“HomEq”) is a “mortgage servicer” engaging in the business of servicing residential mortgages of individuals for personal, family, or household purposes that at some point during the term of such loans begins servicing such individual loans. HomEq is not a bank, financial institution, or any entity defined in O.R.C. § 5725.01. It is alleged that HomEq:

- accepts, applies and distributes mortgage loan payments and other fees, penalties and

assessments, and in connection with so doing exercises discretion regarding the fees charged or applied to a particular mortgage loan account (Second Amended Complaint (“SAC”), ECF Doc. No. 35, ¶ 71(a));

- maintains customer service departments and call centers to which Ohio residents with loans being serviced by HomEq are directed to call with questions, concerns about their mortgage loans (SAC ¶ 71(b));
- directs customers who are in default or danger of default to contact it for options concerning loss mitigation or loan modification and further holds itself out as having authority to make substantive decisions regarding which customers, if any, will receive loan modification agreements or loss mitigation assistance (SAC ¶ 71(c));
- handles consumer disputes regarding their mortgage loans (SAC ¶ 71(d));
- negotiates and executes loan modification, forbearance and other agreements directly with customers (SAC ¶ 71(e));
- purchases homeowner’s insurance on behalf of, and at the expense of, consumers who HomEq believes not to have purchased insurance required by the note and mortgage (SAC ¶ 71(f));
- makes customer service related promises on its website to which consumers are directed by the servicer (SAC ¶ 72 n.7); and
- receives payment for its loan administration and other services from the payment stream generated by the consumers’ residential mortgages (SAC ¶ 71(g)).

#### **QUESTIONS OF LAW TO BE ANSWERED**

This Court has determined that the interpretation of Ohio Rev. Code § 1345.01(A) & (C), effective December 28, 2009, may be determinative of this proceeding, and that there is no

controlling precedent on this issue in the decisions of the Supreme Court of Ohio. Therefore, pursuant to Rule 18 of the Rules of Practice of the Supreme Court of Ohio, this Court certifies the following questions to the Supreme Court of Ohio:

(1) Does the servicing of a borrower's residential mortgage loan constitute a "consumer transaction" as defined in the Ohio Consumer Sales Practices Act, O.R.C. § 1345.01(A)?

(2) Are entities that service residential mortgage loans "suppliers ... engaged in the business of effecting or soliciting consumer transactions" within the meaning of the Ohio Consumer Sales Practices Act, O.R.C. § 1345.01(C)?

#### **NAMES OF PARTIES**

The names of the parties are: (a) Plaintiff Sondra Anderson; (b) Defendant Barclays Capital Real Estate Inc. d.b.a. HomeEq Servicing; and (c) Amici Curiae State of Ohio and Ohio Attorney General Michael DeWine.

#### **NAMES, ADDRESSES, AND TELEPHONE NUMBERS OF COUNSEL**

The names, addresses, and telephone numbers of counsel for each party as are follows.

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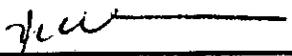
**DESIGNATION OF MOVING PARTY**

Defendant Barclays Capital Real Estate Inc. d.b.a. HomeEq Servicing is hereby designated as the Moving Party. The Court designates HomeEq as the Moving Party because HomeEq moved to dismiss Plaintiff's CSPA-based claims on the grounds that HomeEq is not a "supplier . . .

engaged in the business of effecting or soliciting consumer transactions” under the CSPA.

The Clerk of the United States District Court for the Northern District of Ohio, Western Division, is directed to serve copies of this Certification Order upon counsel for the parties and to file this Certification Order under the seal of this Court with the Supreme Court of Ohio, along with appropriate proof of service.

IT IS SO ORDERED.

  
\_\_\_\_\_  
JAMES G. CARR  
U. S. DISTRICT JUDGE  
May 24, 2011

May 24, 2011

Clerk of Court  
Supreme Court of Ohio  
30 East Broad Street  
Columbus, Ohio 43266-0419

Dear Clerk,

Please find enclosed a certified copy of Judge James G. Carr's order filed on May 24, 2011, and a certified copy of the docket. Judge Carr certified to the Supreme Court questions of law in the follow case:

3:09CV2335 Sondra Anderson v. Barclays Capital Real Estate, Inc.

If you have any questions or need additional information, please feel free to contact me at (419) 213-5560. Thank you for your assistance.

Sincerely,

---

Amy L. Schroeder  
Courtroom Deputy to  
Judge James G. Carr

Encl.

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

I hereby certify that this instrument,  
document no. 80, filed on 5/24/11, is a true  
and correct copy of the electronically filed original.  
Attest: Geri M. Smith, Clerk  
U.S District Court  
Northern District of Ohio

CERTIFICATE OF SERVICE

By: Dianne Gowing  
Deputy Clerk

3:09CV2335

In re: Sondra Anderson. v. Barclays Capital Real Estate, Inc.

This is to certify that copies of the foregoing Order Certifying Question of State Law to the Supreme Court of Ohio was filed electronically on the 24th day of May, 2011, to all counsel of record listed below:

John T. Murray, Susan A. Choe, James D. Curphey, Leslie O. Murray, Megan E. Bailey,  
Michael J. Stewart, Michael A. Wehrkamp, Jeffrey R. Loeser, Benjamin B. Klubes,  
Victoria Holstein-Childress

Geri M. Smith, Clerk of Court  
Northern District of Ohio

s/ Dianne Gowing  
Deputy Clerk

Toledo, Ohio

**U.S. District Court  
Northern District of Ohio (Toledo)  
CIVIL DOCKET FOR CASE #: 3:09-cv-02335-JGC  
Internal Use Only**

Anderson v. Barclays Capital Real Estate, Inc.  
Assigned to: Judge James G. Carr  
Case in other court: Huron County Common Pleas Court,  
CVH20090846  
Cause: 28:1332 Diversity-Petition for Removal

Date Filed: 10/08/2009  
Jury Demand: Plaintiff  
Nature of Suit: 190 Contract: Other  
Jurisdiction: Diversity

**Plaintiff****Sondra Anderson**

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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

I hereby certify that this instrument,  
document no. \_\_\_\_\_, filed on \_\_\_\_\_, is a true  
and correct copy of the electronically filed original.  
Attest; Geri M. Smith, Clerk  
U.S District Court  
Northern District of Ohio  
By: Manne Gowring  
Deputy Clerk

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V.

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*doing business as*  
HomeEq Servicing

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*TERMINATED: 03/22/2011*

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Date Filed	#	Docket Text
10/08/2009	<u>1</u>	<b>Notice of Removal</b> from Huron County Common Pleas Court, case number CVH20090846 with jury demand. Filing Fee \$350.00, receipt number 0647-3772898. Filed by Barclays Capital Real Estate, Inc. (Attachments: # <u>1</u> Summons and Complaint, # <u>2</u> Civil Cover Sheet) (Rapp, Robert). Modified on 10/9/2009 (M,C). (Entered: 10/08/2009)
10/08/2009		(Court only) Utility Event adding attorneys John T. Murray, Leslie O. Murray, and Michael J. Stewart for Sondra Anderson. (M,C) (Entered: 10/08/2009)
10/08/2009		(Court only) Utility Event adding attorneys Matthew J. Kucharson, and Eric S. Zell, for Barclays Capital Real Estate, Inc. (M,C) (Entered: 10/08/2009)
10/08/2009		Judge James G. Carr assigned to case. (M,C) (Entered: 10/08/2009)
10/09/2009	<u>2</u>	Magistrate Consent Form issued to counsel. (M,C) (Entered: 10/09/2009)
10/09/2009	<u>3</u>	Unopposed <b>Motion</b> for extension of time until November 16, 2009 to move or otherwise respond to Plaintiff's Complaint filed by Defendant Barclays Capital Real Estate, Inc.. (Kucharson, Matthew) (Entered: 10/09/2009)
10/26/2009	<u>4</u>	<b>Marginal Entry Order</b> granting <u>3</u> defendant's Motion for Extension of Time until 11/16/2009 to move or otherwise respond to Plaintiff's Complaint. Signed by Judge James G. Carr on 10/26/2009.(S,JM) (Entered: 10/26/2009)
11/06/2009	<u>5</u>	Corporate Disclosure Statement by Barclays Capital Real Estate, Inc., identifying other affiliates as Barclays Bank, PLC, Barclays Group US Inc., and Barclays Capital Real Estate Holding, Inc., filed by Barclays Capital Real Estate, Inc.. (Kucharson, Matthew) Modified on 11/10/2009 (B,TM). (Entered: 11/06/2009)
11/12/2009	<u>6</u>	<b>Case Management Conference Scheduling Notice:</b> case management conference to be held on 11/30/2009 at 10:30 AM at Chambers 210 before Judge James G. Carr. (S,AL) (Entered: 11/12/2009)
11/16/2009	<u>7</u>	<b>Motion</b> to dismiss complaint filed by Defendant Barclays Capital Real Estate, Inc.. (Rapp, Robert) Modified on 11/17/2009 (B,TM). (Entered: 11/16/2009)
11/20/2009	<u>8</u>	Report of Parties' Planning Meeting <i>Pursuant to Federal Rule 26(f) and Local Rule 16.3(b)</i> . Parties do not consent to this case being assigned to the magistrate judge, filed by Sondra Anderson, Barclays Capital Real Estate, Inc.. (Rapp, Robert) (Entered: 11/20/2009)
12/02/2009	<u>9</u>	<b>Order:</b> Case Management Conference was held on 11/30/2009 before Judge James G. Carr. The track designation is complex. Rule 26-disclosures to be exchanged by 1/15/2010. Parties to submit status reports or agreed scheduling order on or before 2/1/2010. Deadline for plaintiff to respond to motion to dismiss or otherwise plead held in abeyance pending further court order. Further scheduling held in abeyance pending status reports or scheduling order. Signed by Judge James G. Carr on 12/2/2009. (Time: 15min.) (S,JM) (Entered: 12/02/2009)
01/12/2010	<u>10</u>	Initial Disclosures filed by All Plaintiffs. (Murray, John) (Entered: 01/12/2010)
01/15/2010	<u>11</u>	Initial Disclosures filed by Barclays Capital Real Estate, Inc.. (Rapp, Robert) (Entered: 01/15/2010)

		01/15/2010)
01/29/2010	<u>12</u>	Joint Status Report filed by Sondra Anderson. Related document(s) <u>9</u> .(Murray, John) (Entered: 01/29/2010)
02/16/2010	<u>13</u>	<b>Order:</b> Plaintiff shall move to file an amended complaint on or before February 22, 2010. Defendant shall file its response to a motion for leave to amend on or before March 19, 2010. Plaintiff shall reply, if necessary, on or before April 2, 2010. Briefing on the pending Motion to Dismiss (doc.7) shall be stayed pending a resolution of Plaintiffs anticipated motion to amend. Discovery shall be stayed pending Defendants Answer or a ruling on the Defendants Motion to Dismiss, and such further scheduling order to be entered, if necessary, in regard to any amended complaint. Judge James G. Carr on 2/16/2010. (S,AL) (Entered: 02/16/2010)
02/22/2010	<u>14</u>	<b>Motion</b> for leave to <i>File First Amended Complaint</i> filed by Plaintiff Sondra Anderson. (Attachments: # <u>1</u> Pleading First Amended Complaint, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3)(Murray, John) (Entered: 02/22/2010)
03/18/2010	<u>15</u>	Proposed Stipulation <i>and Agreed Order on Motion for Leave to File Amended Complaint</i> filed by All Parties. (Rapp, Robert) (Entered: 03/18/2010)
03/23/2010	<u>16</u>	<b>Order</b> granting plaintiff's Motion for leave to file an amended complaint. Defendant shall file its motion to dismiss the amended complaint by 3/31/10; opposition due 5/3/10; reply due 5/17/10. (Related Doc # <u>14</u> ). Judge James G. Carr on 3/23/2010. (S,AL) (Entered: 03/23/2010)
03/23/2010	<u>17</u>	<b>Amended complaint</b> against Barclays Capital Real Estate, Inc.. Filed by Sondra Anderson. (S,AL) (Entered: 03/23/2010)
03/31/2010	<u>18</u>	<b>Motion</b> to dismiss <i>First Amended Complaint, with Memorandum in Support</i> , filed by Defendant Barclays Capital Real Estate, Inc.. (Attachments: # <u>1</u> Exhibit A)(Rapp, Robert) (Entered: 03/31/2010)
04/15/2010	<u>19</u>	<b>Motion</b> for leave to <i>Withdraw as Defense Counsel</i> filed by Defendant Barclays Capital Real Estate, Inc.. (Rapp, Robert) (Entered: 04/15/2010)
04/15/2010	<u>20</u>	<b>Motion</b> for leave to <i>Withdraw as Defense Counsel</i> filed by Defendant Barclays Capital Real Estate, Inc.. (Zell, Eric) (Entered: 04/15/2010)
04/21/2010	<u>21</u>	<b>Marginal Entry Order</b> granting <u>19</u> Motion for attorney Robert N. Rapp and attorney Matthew J. Kucharson for leave to withdraw as counsel for defendant. Signed by Judge James G. Carr on 4/21/2010.(S,JM) (Entered: 04/21/2010)
04/21/2010		(Court only) Utility Event terminating attorney Matthew J. Kucharson and Robert N. Rapp. (S,JM) (Entered: 04/21/2010)
04/21/2010	<u>22</u>	<b>Marginal Entry Order</b> granting <u>20</u> ) Motion by attorney Eric S. Zell for leave to withdraw as counsel for defendant. Signed by Judge James G. Carr on 4/21/2010. (S,JM) (Entered: 04/21/2010)
04/21/2010		(Court only) Utility Event terminating attorney Eric S. Zell. (S,JM) (Entered: 04/21/2010)
04/26/2010	<u>23</u>	Attorney Appearance by Megan E. Bailey filed by on behalf of Barclays Capital Real Estate, Inc.. (Bailey, Megan) (Entered: 04/26/2010)
04/26/2010		(Court only) Utility Event adding attorney James D. Curphey, Michael A. Wehrkamp for Barclays Capital Real Estate, Inc.. (C,D) (Entered: 05/03/2010)

05/03/2010	<u>24</u>	<b>Opposition</b> to <u>18 Motion</u> to dismiss <i>First Amended Complaint, with Memorandum in Support</i> , filed by Sondra Anderson. (Murray, John) (Entered: 05/03/2010)
05/17/2010	<u>25</u>	<b>Reply</b> to response to <u>18 Motion</u> to dismiss <i>First Amended Complaint, with Memorandum in Support</i> , filed by Barclays Capital Real Estate, Inc.. (Bailey, Megan) Document signed by James Curphey) filer notified. Modified on 5/18/2010 (C,D). (Entered: 05/17/2010)
06/18/2010	<u>26</u>	<b>Order</b> : Defendant's motion to dismiss plaintiff's unjust enrichment and conversion claims is denied. Judgment as to the adequacy of plaintiff's RESPA claim and claim under § 1345.02(F) of OCSA is held in abeyance pending plaintiff's filing of an amended complaint on or before July 16, 2010. Judgment as to the application of OCSA held in abeyance pending consideration, on consultation with the parties, of certification of question(s) as to such applicability to the Ohio Supreme Court. A telephone status/scheduling conference is set for July 6, 2010 at 11:30 a.m.; prior to said conference, the parties shall confer as to the phrasing of the question(s) subject to certification, and not later than three days prior to said conference shall file status(s) reports and their proposal(s) re. the order, etc., of certification. (Related Doc # <u>7</u> ) (Related Doc # <u>18</u> ). Judge James G. Carr on 6/18/2010.(S,AL) (Entered: 06/18/2010)
06/18/2010		Set Deadlines and Hearings Pretrial Conference set for 7/6/2010 at 11:30 AM in to be held telephonically before Judge James G. Carr. (S,AL) (Entered: 06/18/2010)
06/22/2010	<u>27</u>	<b>Motion</b> for attorney Benjamin B. Klubes to Appear Pro Hac Vice. Filing fee \$ 100, receipt number 0647-4152362, filed by Defendant Barclays Capital Real Estate, Inc.. (Attachments: # <u>1</u> Exhibit A)(Curphey, James) (Entered: 06/22/2010)
06/22/2010	<u>28</u>	<b>Motion</b> for attorney Victoria Holstein-Childress to Appear Pro Hac Vice. Filing fee \$ 100, receipt number 0647-4152375, filed by Defendant Barclays Capital Real Estate, Inc.. (Attachments: # <u>1</u> Exhibit A)(Curphey, James) (Entered: 06/22/2010)
06/23/2010		(Court only) Staff Note Regarding Pro Hac Vice Motion from attorney Benjamin B. Klubes. The attorney's bar status was verified active. Related document(s) <u>27</u> . (G,CA) (Entered: 06/23/2010)
06/23/2010		(Court only) Staff Note Regarding Pro Hac Vice Motion from attorney Victoria Holstein-Childress. The attorney's bar status was verified active. Related document(s) <u>28</u> . (G,CA) (Entered: 06/23/2010)
06/24/2010	<u>29</u>	<b>Marginal Entry Order</b> granting <u>27 Motion</u> for attorney Benjamin B. Klubes to appear pro hac vice for defendant Barclays Capital Real Estate, Inc. Signed by Judge James G. Carr on 6/24/2010.(S,JM) (Entered: 06/24/2010)
06/24/2010	<u>30</u>	<b>Marginal Entry Order</b> granting <u>28 Motion</u> for attorney Victoria Holstein-Childress to appear pro hac vice for defendant Barclays Capital Real Estate, Inc. Signed by Judge James G. Carr on 6/24/2010.(S,JM) (Entered: 06/24/2010)
07/02/2010	<u>31</u>	Joint Status Report filed by Barclays Capital Real Estate, Inc.. (Curphey, James) (Entered: 07/02/2010)
07/06/2010	<u>32</u>	<b>Order</b> : Status conference was held on 7/6/2010, re. certification of question(s) to Ohio Supreme Court. Deadline for plaintiff's amended complaint is extended to 8/10/2010. Determination of proposed certification is held in abeyance pending telephonic status conference, to be held on 8/30/2010 at 1:00 p.m.; status reports to be filed 8/25/2010. Signed by Judge James G. Carr on 7/6/2010. Time: 40 min.(S,JM) (Entered: 07/06/2010)

07/09/2010	<a href="#">33</a>	<b>Amended Order:</b> Defendant's motion to dismiss plaintiffs unjust enrichment and conversion claims is denied. Judgment as to the adequacy of plaintiffs RESPA claim and claim under § 1345.02(F) of OCSPA be, and the same hereby is held in abeyance pending plaintiffs filing of an amended complaint on or before July 16, 2010. Judgment as to the application of OCSPA held in abeyance pending consideration, on consultation with the parties, of certification of question(s) as to such applicability to the Ohio Supreme Court.. Judge James G. Carr on 7/9/2010. (S,AL) (Entered: 07/09/2010)
07/09/2010	<a href="#">34</a>	<b>Order:</b> Deadline for plaintiff's amended complaint is extended to August 10, 2010. Signed by Judge James G. Carr on 7/9/2010. (Related document <a href="#">33</a> ) (S,JM) (Entered: 07/09/2010)
08/10/2010	<a href="#">35</a>	<b>Second Amended complaint</b> with jury demand against Barclays Capital Real Estate, Inc.. Filed by Sondra Anderson. (Attachments: # <a href="#">1</a> Exhibit 1-5) (Murray, John) Modified on 8/11/2010 (G,D). (Entered: 08/10/2010)
08/25/2010	<a href="#">36</a>	Joint Status Report filed by Barclays Capital Real Estate, Inc.. Related document(s) <a href="#">32</a> . (Curphey, James) (Entered: 08/25/2010)
08/25/2010	<a href="#">37</a>	Unopposed <b>Motion</b> for extension of time until September 10, 2010 to answer <i>PLAINTIFFS SECOND AMENDED COMPLAINT</i> filed by Defendant Barclays Capital Real Estate, Inc.. (Curphey, James) (Entered: 08/25/2010)
08/25/2010	<a href="#">38</a>	Status Report filed by State of Ohio ex rel Richard Cordray Attorney General of Ohio. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B)(Choe, Susan) Modified on 8/27/2010 (C,D). (Entered: 08/25/2010)
08/27/2010	<a href="#">39</a>	Response of Defendant to Status Report of Ohio Attorney General Richard Cordray filed by Barclays Capital Real Estate, Inc.. Related document(s) <a href="#">38</a> . (Curphey, James) (Entered: 08/27/2010)
08/30/2010	<a href="#">40</a>	<b>Order:</b> Status Conference was held on 8/30/2010 before Judge James G. Carr. Clerk to note special and limited appearance of Office of Ohio Attorney General. Leave is granted to the Attorney General to file a response to defendant's reply to its status report on or before 9/20/2010; defendant to file further reply on or before 9/30/2010. Signed by Judge James G. Carr on 8/30/2010. (Time: 30 min.) (S,JM) (Entered: 08/30/2010)
08/31/2010	<a href="#">41</a>	Unopposed <b>Motion</b> for extension of time until October 15, 2010 to answer <i>Plaintiff's Second Amended Complaint</i> filed by Defendant Barclays Capital Real Estate, Inc.. (Curphey, James) (Entered: 08/31/2010)
08/31/2010	<a href="#">42</a>	<b>Order:</b> Motion by defendant Barclays Capital Real Estate, Inc. for an extension of time until 10/15/2010 to answer or otherwise plead to plaintiff's Second Amended Complaint is granted. Signed by Judge James G. Carr on 8/31/2010. (Related documents: <a href="#">37</a> <a href="#">41</a> ) (S,JM) Modified on 9/3/2010 (S,JM). (Entered: 08/31/2010)
09/03/2010	<a href="#">43</a>	Transcript of Phone Status Conference held on July 6, 2010 before Judge James G. Carr. To obtain a bound copy of this transcript please contact court reporter Angela Nixon at (419) 260-5259. [37 pages] Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Parties requesting that privacy information be redacted must file a notice of intent to redact with the court by 9/10/2010. Redaction Request due 9/24/2010. Redacted Transcript Deadline set for 10/4/2010. Release of Transcript Restriction set for 12/2/2010. (N,A) Modified on 9/10/2010 (pleading gives date of 7/2/2010 but text reads 7/6/2010, filer notified) (B,TM). (Entered: 09/03/2010)

09/20/2010	<u>44</u>	Reply to response of Status Report filed by State of Ohio ex rel Richard Cordray Attorney General of Ohio. (Attachments: # <u>1</u> Exhibit A-L) (Choe, Susan) Modified on 9/21/2010 (B,TM). (Entered: 09/20/2010)
09/21/2010		(Court only) Utility Event adding attorney Douglas L. Rogers for State of Ohio ex rel Richard Cordray Attorney General of Ohio. Related document(s) <u>44</u> . (B,TM) (Entered: 09/21/2010)
09/23/2010	<u>45</u>	<b>Motion</b> for extension of time until October 7, 2010 to File Defendant's Further Reply to the Ohio Attorney General Richard Cordrays Reply to Defendants Response to the Ohio Attorney Generals Status Report filed by Defendant Barclays Capital Real Estate, Inc.. (Curphey, James) (Entered: 09/23/2010)
09/29/2010	<u>46</u>	<b>Order</b> granting <u>45</u> Motion for Extension of Time until 10/7/2010 to File Defendant's Further Reply to the Ohio Attorney General Richard Cordray's Reply to Defendants Response to the Ohio Attorney General's Status Report. Signed by Judge James G. Carr on 9/29/2010.(S,JM) (Entered: 09/29/2010)
10/07/2010	<u>47</u>	Sur-Reply to Status Report of Ohio Attorney General Richard Cordray filed by Barclays Capital Real Estate, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) Related document(s) <u>38</u> , <u>44</u> .(Curphey, James) Modified on 10/13/2010 (B,TM). (Entered: 10/07/2010)
10/07/2010	<u>48</u>	Response to Status Report of Ohio Attorney General Richard Cordray filed by Sondra Anderson. (Murray, John) Modified on 10/13/2010 (B,TM). (Entered: 10/07/2010)
10/13/2010	<u>49</u>	Reply to response to Status Report of amicus curia the Ohio Attorney General filed by Barclays Capital Real Estate, Inc.. Related document(s) <u>48</u> .(Curphey, James) Modified on 10/14/2010 (B,TM). (Entered: 10/13/2010)
10/15/2010	 <u>50</u>	<b>Motion</b> to dismiss Second Amended Complaint filed by Defendant Barclays Capital Real Estate, Inc.. (Curphey, James) Modified on 11/4/2010 (B,TM). (Entered: 10/15/2010)
10/18/2010	<u>51</u>	<b>Order:</b> A telephonic status/scheduling conference is set for November 8, 2010 at 1:30 p.m. The parties shall submit an agenda for said conference not later than three business days prior to the date set. Judge James G. Carr on 10/18/2010. (S,AL) (Entered: 10/18/2010)
10/29/2010	<u>52</u>	<b>Response to 50 Motion</b> to dismiss <i>Second Amended Complaint</i> filed by Sondra Anderson. (Murray, John) (Entered: 10/29/2010)
11/04/2010	<u>53</u>	Joint Agenda for Novemeber 8, 2010 Status Conference filed by Sondra Anderson. (Murray, John) Modified on 11/4/2010 (incorrect event used, filer notified) (B,TM). (Entered: 11/04/2010)
11/04/2010		(Court only) Utility event editing case flags. Knepp flag added. Armstrong flag removed. (S,AL) (Entered: 11/04/2010)
11/08/2010	<u>54</u>	<b>Order:</b> Status/scheduling conference was held on 11/8/2010 before Judge James G. Carr. Discovery to commence with principal focus to be on class certification issues. Discovery re. class certification to be completed by 4/15/2011. Motion for class certification is to be filed by 5/2/2011; opposition is due 5/23/2011; reply is due 6/1/2011. Oral argument re. motion for class certification is set for Monday, 6/27/2011, at 3:30 p.m. in Courtroom #204 before Judge Carr. Court to stay consideration of pending motion to dismiss second amended complaint pending status report to be filed on or before 12/1/2010; leave granted to defendant to file reply on or before 12/1/2010.

		Signed by Judge James G. Carr on 11/8/2010. (Time: 15 min.) (S,JM) (Entered: 11/08/2010)
11/15/2010		Direct Assignment of Magistrate Judge pursuant to General Order 2010-33 dated 9/13/2010. In the event of a referral, case will be assigned to Magistrate Judge James R. Knepp II. (L,V) (Entered: 11/15/2010)
12/01/2010	<u>55</u>	Status Report filed by Sondra Anderson. (Murray, John) (Entered: 12/01/2010)
12/01/2010	<u>56</u>	Notice of Service of First Set of Interrogatories and Request for Production of Documents to defendant filed by Sondra Anderson. (Murray, John) Modified on 12/2/2010 (B,TM). (Entered: 12/01/2010)
12/01/2010	<u>57</u>	<b>Reply</b> to response to <u>50 Motion</u> to dismiss <i>Second Amended Complaint</i> filed by Barclays Capital Real Estate, Inc.. (Curphey, James) (Entered: 12/01/2010)
12/01/2010	<u>58</u>	Status Report filed by Barclays Capital Real Estate, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Curphey, James) Modified on 12/2/2010 (B,TM). (Entered: 12/01/2010)
12/16/2010	<u>59</u>	<b>Order:</b> the state court cases having been stayed until January 20, 2011, further consideration of certification to the Ohio Supreme Court is held in abeyance pending status reports, which shall be filed on or before February 1, 2011. Judge James G. Carr on 12/16/2010. (S,AL) (Entered: 12/16/2010)
01/05/2011	<u>60</u>	Proposed Stipulated Protective Order filed by Barclays Capital Real Estate, Inc.. (Curphey, James) Modified on 1/6/2011 (B,TM). (Entered: 01/05/2011)
01/06/2011	<u>61</u>	<b>Stipulated Protective Order</b> signed by Judge James G. Carr on 1/6/2011. (See order for full details.) (Related Doc #60). (S,JM) (Entered: 01/06/2011)
01/25/2011	<u>62</u>	Notice of Service of First Set of Interrogatories, First Request for Production of Documents, and First Request for Admissions filed by Barclays Capital Real Estate, Inc.. (Curphey, James) Modified on 1/26/2011 (B,TM). (Entered: 01/25/2011)
02/04/2011	<u>63</u>	Joint Status Report filed by Barclays Capital Real Estate, Inc.. Related document(s) <u>59</u> . (Curphey, James) (Entered: 02/04/2011)
02/09/2011	<u>64</u>	<b>Order.</b> Telephone Pretrial Conference set for 2/28/2011 at 09:30 AM before Judge James G. Carr. Parties to submit proposals re. question(s) to be certified to Ohio Supreme Court by 2/25/11. Judge James G. Carr on 2/9/11. (G,D) (Entered: 02/09/2011)
02/18/2011	<u>65</u>	Notice of Service of responses to HomEq's request for admissions, production fo documents adn interrogatories filed by Sondra Anderson. (Murray, John) Modified on 2/22/2011 (B,TM). (Entered: 02/18/2011)
02/24/2011	<u>66</u>	Attorney Appearance by Jeffrey R. Loeser filed by on behalf of State of Ohio ex rel Richard Cordray Attorney General of Ohio. (Loeser, Jeffrey) (Entered: 02/24/2011)
02/24/2011	<u>67</u>	Joint Status Report filed by Barclays Capital Real Estate, Inc.. Related document(s) <u>64</u> . (Curphey, James) (Entered: 02/24/2011)
03/11/2011		<b>Minutes of proceedings</b> [Non Document] before Judge James G. Carr. Pretrial Conference held on 2/28/2011 re. certified questions. Time:.5 (S,AL) (Entered: 03/11/2011)
03/21/2011	<u>68</u>	Notice of Substitution of Counsel removing attorney Douglas Rogers and adding attorney Jeffrey R. Loeser and Susan Choe filed by on behalf of State of Ohio ex rel Richard Cordray Attorney General of Ohio. (Loeser, Jeffrey) Modified on 3/22/2011

		(B,TM). (Entered: 03/21/2011)
03/22/2011		(Court only) Utility Event terminating attorney Douglas L. Rogers. Related document(s) <u>68</u> . (B,TM) (Entered: 03/22/2011)
04/05/2011	<u>69</u>	Notice of Supplemental Authority filed by State of Ohio ex rel Richard Cordray Attorney General of Ohio. (Attachments: # <u>1</u> Exhibit Ruling in Kline) Related document(s) <u>67</u> .(Loeser, Jeffrey) Modified on 4/6/2011 (B,TM). (Entered: 04/05/2011)
04/11/2011	<u>70</u>	Response to Amicus Curiae, Ohio Attorney General's Notice of Supplemental Authority filed by Barclays Capital Real Estate, Inc.. Related document(s) <u>69</u> . (Curphey, James) Modified on 4/12/2011 (B,TM). (Entered: 04/11/2011)
04/29/2011	<u>71</u>	<b>Motion</b> for extension of Class Certification Briefing filed by Plaintiff Sondra Anderson. (Murray, John) (Entered: 04/29/2011)
04/29/2011	<u>72</u>	Notice to take Deposition of <i>30(B)(6) OF HOMEQ SERVICING</i> on <i>June 7, 2011</i> filed by Sondra Anderson. (Murray, John) (Entered: 04/29/2011)
05/10/2011	<u>73</u>	<b>Response</b> to <u>71 Motion</u> for extension of Class Certification Briefing filed by Barclays Capital Real Estate, Inc.. (Curphey, James) (Entered: 05/10/2011)
05/11/2011		Notice [Non Document]: Telephone Conference set for 5/16/2011 at 03:00 PM before Judge James G. Carr. Counsel shall call the bridge line at 419-213-5509, access code 550911. (S,AL) (Entered: 05/11/2011)
05/11/2011	<u>74</u>	Amended Notice to take Deposition of Homeq Servicing on 6/22/2011 filed by Sondra Anderson. (Murray, John) Modified on 5/13/2011 (B,TM). (Entered: 05/11/2011)
05/17/2011	<u>75</u>	<b>Order:</b> Telephone Conference was held on 5/16/2011 before Judge James G. Carr. Parties are to submit proposed certification order(s) by 6/1/2011. Signed by Judge James G. Carr on 5/17/2011. (Time: 15 min.) (S,JM) (Entered: 05/17/2011)
05/18/2011	<u>76</u>	Proposed Order <i>as Agreed by All Parties</i> filed by Sondra Anderson. (Murray, Leslie) (Entered: 05/18/2011)
05/18/2011	<u>77</u>	Proposed Order <i>as Agreed by All Parties</i> filed by Sondra Anderson. (Murray, Leslie) (Entered: 05/18/2011)
05/23/2011	<u>78</u>	<b>Order:</b> The 11/8/2010 scheduling order is vacated. A new scheduling order for class certification briefing deadlines and a new class certification hearing date will be issued after the Supreme Court of Ohio either answers or declines to answer questions certified to it by this Court. Signed by Judge James G. Carr on 5/23/2011. (Related documents <u>54</u> <u>71</u> <u>76</u> ) (S,JM) Modified on 5/23/2011 (S,JM). (Entered: 05/23/2011)
05/24/2011	<u>79</u>	<b>Certification Order.</b> (See Order for full details). Judge James G. Carr on 5/24/11. (G,D) (Entered: 05/24/2011)
05/24/2011	<u>80</u>	Notice of Certificate of Service of Order Certifying Question of State Law to Supreme Court. Related document(s) <u>79</u> . (G,D) (Entered: 05/24/2011)