

UNITED STATES OF AMERICA
Before the
CONSUMER FINANCIAL PROTECTION BUREAU

ADMINISTRATIVE PROCEEDING
File No. 2014-CFPB-0002

_____)
)
In the Matter of:)
)
)
)
PHH CORPORATION,)
PHH MORTGAGE CORPORATION,)
PHH HOME LOANS LLC,)
ATRIUM INSURANCE CORPORATION,)
and ATRIUM REINSURANCE)
CORPORATION)
)
_____)

REPLY DECLARATION OF DONALD R. GORDON

I, Donald R. Gordon, declare as follows:

1. I am Enforcement Counsel for the Consumer Financial Protection Bureau. I have personal knowledge of the facts stated below. I submit this declaration in support of Enforcement Counsel’s Reply in Support of Its Motion to Disqualify Schnader Harrison Segal & Lewis LLP, filed on May 6, 2014 with the Bureau’s Office of Administrative Adjudication.
2. Attached hereto as Exhibit A is a true and correct copy of a September 25, 2012, email from Enforcement Attorney Navid Vazire to Erika Brown Lee, then counsel for Radian Guaranty, Inc. (Radian).
3. Attached hereto as Exhibit B is a true and correct copy of a June 11, 2013, email from me to Stephen Fogdall and Erika Brown Lee, then both counsel for Radian.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: May 6, 2014

/s/ Donald R. Gordon

Donald R. Gordon

Enforcement Counsel

Consumer Financial Protection Bureau

1700 G Street, NW

Washington, DC 20552

(202)435-7357

EXHIBIT A

From: [Vazire, Navid \(CFPB\)](#)
To: ["Brown Lee, Erika"](#)
Subject: RE: Radian - executed tolling agreement
Date: Tuesday, September 25, 2012 5:01:00 PM

Hi Erika,

I am hoping that we can schedule a meeting for some time next week to further discuss Radian's loss mitigation proposal. We are free Monday morning, Tuesday afternoon, Thursday afternoon, and all day Friday. I also want to reiterate my request that, in order to make the meeting as productive as possible, Radian provide a written outline of the proposal a few days in advance.

I also want to provide you with the short list of custodians that I mentioned last time we spoke. These are by no means the only custodians whose documents we would be interested in. Rather, this is simply a sample based on the limited information we have. We hope that determining the volume of data, its accessibility, format, and lineage/lifespan as to these custodians will help to clarify the scope of, and any issues that may exist with respect to, the broader production. If you have any thoughts about other or different custodians who would be more representative of Radian's captive reinsurance activities, please do let me know. The custodians are:

Daniel R. Paul
Christopher G. Curran
Joan S. Amarnick-Webb
Steve Young

Best,
Navid

-----Original Message-----

From: Brown Lee, Erika [mailto:ebrownlee@fulbright.com]
Sent: Tuesday, September 25, 2012 10:56 AM
To: Gordon, Donald (CFPB)
Cc: Vazire, Navid (CFPB)
Subject: RE: Radian - executed tolling agreement

Thanks Don. Out of curiosity - whose signature is it? Yours, Don?

Erika Brown Lee, Senior Counsel
FULBRIGHT & Jaworski L.L.P. * 801 Pennsylvania Avenue, N.W. * Washington, D.C. 20004-2623
T: 202 662 0398 * F: 202 662 4643 * ebrownlee@fulbright.com<<mailto:ebrownlee@fulbright.com>>

From: Donald.Gordon@cfpb.gov [mailto:Donald.Gordon@cfpb.gov]
Sent: Tuesday, September 25, 2012 11:23 AM
To: Brown Lee, Erika
Cc: Navid.Vazire@cfpb.gov

Subject: Radian - executed tolling agreement

Dear Erika,

Attached is a fully executed copy of the revised tolling agreement for Radian.

Regards,

Don

--

Donald R. Gordon
Enforcement Attorney
Consumer Financial Protection Bureau
Tel: 202 435 7357
Mob: 202 258 1847
consumerfinance.gov

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EXHIBIT B

From: [Gordon, Donald \(CFPB\)](#)
To: [Fogdall, Stephen](#); "ebrownlee@fulbright.com"
Cc: [Vazire, Navid \(CFPB\)](#)
Subject: RE: CFPB CID to Radian
Date: Tuesday, June 11, 2013 10:52:31 AM

Steve and Erika,

We wanted to get back to you with a list of supplemental potential custodians at Radian. These are persons who we understand to have had substantial involvement with captive reinsurance. We are not sure how many, if any, are still with Radian. We would appreciate whatever information you can provide about these persons' positions, time in service, duties with respect to captive, and the likelihood of documents still being available, so that we can make an informed decision about whether to designate any of them as custodians. Here are the names we have identified at present:

Jeff Cashmer
Steve Young
Jennifer Giordano
Daniel Paul
Joan Amarnick-Webb
Michael Dziuba

Thanks.

-----Original Message-----

From: Fogdall, Stephen [<mailto:SFogdall@Schnader.com>]
Sent: Tuesday, May 28, 2013 9:38 PM
To: Vazire, Navid (CFPB); 'ebrownlee@fulbright.com'
Cc: Gordon, Donald (CFPB)
Subject: RE: CFPB CID to Radian

Navid, with respect to additional custodians, as I indicated on the call today, we will take any additional names under advisement and will discuss them with our client. We are conferring with our client regarding the additional issues mentioned below and will respond on or before June 11.

From: Navid.Vazire@cfpb.gov [<mailto:Navid.Vazire@cfpb.gov>]
Sent: Tuesday, May 28, 2013 5:33 PM
To: Fogdall, Stephen; ebrownlee@fulbright.com
Cc: Donald.Gordon@cfpb.gov
Subject: CFPB CID to Radian

Steven, Erika,

Thank you for discussing the Bureau's CID to Radian with me and Don Gordon this afternoon. I am writing to confirm that no modifications will be made to the CID at this time, Radian does not withdraw its petition to modify or set aside the CID at this time, and by June 11 we will provide you with additional custodian names and you will provide us with a list of Radian's proposed search terms, a response to our request for the documents comprising Radian's reinsurance agreement with Arch Reinsurance, as well as information on the technology issues that make Radian emails from before May 2009 burdensome to search and/or produce.

Also, please be advised that Radian is not the subject of the Bureau's investigation, and that we seek these documents and information pursuant to Section III of the April 9, 2013, order entered in action No. 13 Civ. 21188 in the Southern District of Florida.

Best,

Navid Vazire

Enforcement Attorney
Consumer Financial Protection Bureau
Tel: 202 725 8397
consumerfinance.gov

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