

Exhibit D

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

COUNTY OF COOK,)	
)	Case No. 14-cv-2280
Plaintiff,)	
v.)	Hon. Elaine E. Bucklo
)	
BANK OF AMERICA CORPORATION, et al.,)	Magistrate Judge Sunil R. Harjani
)	
Defendants.)	
)	

**DECLARATION OF JAMES M. EVANGELISTA IN SUPPORT OF
PLAINTIFF'S REPLY TO DEFENDANTS' OPPOSITION TO PLAINTIFF'S
MOTION TO COMPEL**

I, James M. Evangelista, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a partner of the law firm of Evangelista Worley LLC., Special Assistant State's Attorneys on behalf of the County of Cook, Illinois. I am a member in good standing of the Georgia bar and I am admitted *pro hac vice* to practice before this Court in this matter.

2. I make this declaration based upon my personal knowledge and review of the nonprivileged records relating to this litigation, and in support of Plaintiff's Reply to Defendants' Opposition to Plaintiff's Motion to Compel Production of Documents.

3. Pursuant to Local Rule 37.2 and this Court's ECF No. 332 Order, counsel for the Plaintiff and Defendants ("Parties") met and conferred on outstanding discovery issues on September 10-13, 2019.

4. On September 13, 2019, at the end of the parties' telephonic meet and confer discussions, Plaintiff raised the addition of ESI custodians, as Defendants acknowledged.

5. Additional ESI custodians are warranted because since the time of Judge Rowland's ruling, through its independent investigation, Plaintiff has learned from a former, high level, Countrywide employee who is one of the whistleblowers identified in Plaintiff's motion, that

Countrywide's predatory and discriminatory housing practices were orchestrated by the "major players" at the company, not by rogue lower level employees.

6. Plaintiff's investigation has uncovered that Countrywide's operations apparently were purposely highly siloed, meaning that only top personnel were privy to their group's respective role within the greater scheme, and those top employees were well aware of – if not personally and directly responsible – for the predatory and discriminatory mortgage lending and servicing practices that Plaintiff alleges are part and parcel of an equity stripping scheme.

7. Within each siloed operational group or department, management implemented a systematic approach to approve and fund all mortgage loan applications regardless of borrower creditworthiness. The former Countrywide employee was told by a subordinate, executive manager that this approach was Countrywide's way to have a "loan for every customer," a thinly veiled referenced to Countrywide's nationwide television commercial slogan at the time.

8. As a result of the silos, lower level employees only performed their given tasks and cannot speak to the overall scheme designed, implemented and conducted by the requested custodians.

9. Although Judge Rowland ruled in May 2016 which of Defendants' custodians should be included in ESI searches, Defendants did not begin producing e-mails until April 2019 and have not yet completed the production of their e-mails, making it impossible for Plaintiff to estimate or quantify the impact of not-having the additional ESI custodians that Plaintiff understands are critical to its case.

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

Dated: October 1, 2019

/s/ James M. Evangelista
James M. Evangelista