



**I.**  
**DESIGNATION OF EXPERT AND REBUTTAL WITNESSES**

**Robert T. Mowrey, Esq.**  
LOCKE LORD LLP  
2200 Ross Avenue, Suite 2800  
Dallas, Texas 75201  
E-mail: rmowrey@lockelord.com  
Telephone: (214) 740-8000  
Facsimile: (214) 740-8800

Mr. Mowrey may opine as a rebuttal witness regarding the reasonableness and necessity of the total amount, if any, of attorney fees and expenses sought and/or incurred by Plaintiff in this action at the time of trial and/or at the time those fees and expenses are sought, as well as the entitlement, if any, of Plaintiff to such attorney fees and expenses under applicable law. Mr. Mowrey's testimony will rebut the testimony of expert testimony that Plaintiff might offer. As a rebuttal witness, Mr. Mowrey will base his opinions on his experience and background, a review of the expert designation of Plaintiff, any expert reports, attorney fee invoices or statements, the tasks listed on each report, invoice, or statement, any additional evidence presented by Plaintiff in support of such claim, if any, for attorney fees or expenses, and in consideration of the following factors: (a) the time and labor required; (b) the skill required to perform the services properly; (c) the likelihood that representing the client would preclude other employment; (d) the amount involved and the results obtained; (e) the experience, reputation and ability of the attorneys; (f) the type of fee arrangement involved; (g) awards in similar cases; and (h) Mr. Mowrey's experience in handling the same or similar cases. Mr. Mowrey's opinions as a rebuttal expert witness for Defendants Trustee and PHH, as well as the other information required to be disclosed pursuant to Rules 192.3 and 195 of the Texas Rules of Civil Procedure, are contained in the report attached hereto and incorporated by reference as **Exhibit A**. Mr. Mowrey's resume

is attached hereto as **Exhibit 1** and incorporated by reference. Mr. Mowrey reserves the right to supplement any rebuttal testimony based upon the final amount, if any, of attorney fees and expenses claimed by Plaintiff.

Defendants Trustee and PHH reserve the right to object to the timeliness of designation of any experts designated by Plaintiff. Defendants Trustee and PHH further reserve the right to contest the competency, qualifications, and opinions of any expert Plaintiff timely designates.

**II.**  
**DISCLOSURE OF ADDITIONAL NON-RETAINED WITNESSES**  
**WHO MAY PROVIDE EXPERT TESTIMONY IN THIS CASE**

Defendants Trustee and PHH designate corporate representatives who may be used at trial to present evidence under Rules 702, 703, or 705 of the Texas Rules of Evidence. These witnesses are not retained experts, but are employees of Defendants Trustee and/or PHH whose knowledge, skill, experience, training, and/or education may allow them to provide expert testimony in this case:

**Corporate Representatives**

The Bank of New York Mellon F/K/A The Bank of New York as  
Successor In Interest to JPMorgan Chase Bank, N.A., as Trustee for C-  
Bass Mortgage Loan Asset-Backed Certificates, Series 2005-RP2  
or its servicer, PHH Mortgage Corporation d/b/a PHH Mortgage Services,  
successor by merger to Ocwen Loan Servicing, LLC  
c/o Robert T. Mowrey  
Vincent J. Hess  
Arthur E. Anthony  
LOCKE LORD LLP  
2200 Ross Avenue, Suite 2800  
Dallas, Texas 75201  
Telephone: (214) 740-8000  
Facsimile: (214) 740-8800

The corporate representatives may offer fact and opinion testimony regarding the subject property, the foreclosure sale thereof, deed and property records for the subject property, and damages alleged by Plaintiff in this lawsuit.

**III.**  
**CROSS-DESIGNATION OF EXPERT WITNESSES**

Defendants Trustee and PHH designate any and all expert witnesses timely designated by other parties to this lawsuit and hereby incorporate those designations by reference. However, Defendants Trustee and PHH reserve the right to contest the competency, qualifications, and opinions of any expert Plaintiff timely designates.

**IV.**  
**RESERVATION OF RIGHTS**

Defendants Trustee and PHH reserve the right to call undesignated rebuttal expert witnesses, whose testimony cannot reasonably be foreseen until Plaintiff presents evidence. Defendants Trustee and PHH also reserve the right to question and elicit opinion and expert testimony from any witnesses Plaintiff calls who are qualified to give such testimony.

Respectfully submitted,

*/s/ Vincent J. Hess*

---

**Robert T. Mowrey**

State Bar No. 14607500  
rmowrey@lockelord.com

**Vincent J. Hess**

State Bar No. 09549417  
vhess@lockelord.com

**Arthur E. Anthony**

State Bar No. 24001661  
aanthony@lockelord.com

**LOCKE LORD LLP**

2200 Ross Avenue, Suite 2800

Dallas, Texas 75201

Telephone: (214) 740-8000

Facsimile: (214) 740-8800

**ATTORNEYS FOR DEFENDANTS TRUSTEE  
AND PHH**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing was served upon the following pro se plaintiff via email and first class mail on this 14th day of January, 2022:

Larry Preston  
13222 Elaine Road  
Houston, TX 77047  
Email: [larrypreston68@gmail.com](mailto:larrypreston68@gmail.com)

*/s/ Vincent J. Hess*

---

Counsel for Defendants Trustee and PHH

# **EXHIBIT A**



amount involved and the results obtained; (e) the experience, reputation and ability of the attorneys; (f) the type of fee arrangement involved; (g) the awards in similar cases; and (h) my experience handling the same or similar cases.

### **Witness Qualifications**

I received my undergraduate degree from Princeton University, cum laude, in 1974.

I obtained my law degree, cum laude, from Southern Methodist University School of Law in 1977, where I was selected Order of the Coif. While in law school, I was an editor of the Southwestern Law Journal.

I was admitted to practice law in the State of Texas in 1977.

Before entering private practice, from 1977-1978, I served as a law clerk to the Honorable Harry Phillips, Chief Judge of the United States Court of Appeals for the Sixth Circuit.

I joined the firm of Locke Purnell Boren Laney & Neely in 1979, became a partner in 1984, and have practiced continually with the firm, which is now known as Locke Lord LLP, to the present.

I am a member of the following bars of the United States:

- (1) U.S. Supreme Court;
- (2) U.S. Court of Appeals for the Fifth Circuit;
- (3) U.S. Court of Appeals for the Sixth Circuit;
- (4) U.S. Court of Appeals for the Eighth Circuit;
- (5) U.S. Court of Appeals for the Ninth Circuit;
- (6) U.S. Court of Appeals for the Tenth Circuit;
- (7) U.S. Court of Appeals for the Eleventh Circuit;
- (8) U.S. District Court for the Eastern District of Texas;
- (9) U.S. District Court for the Northern District of Texas;
- (10) U.S. District Court for the Southern District of Texas; and
- (11) U.S. District Court for the Western District of Texas.

In more than thirty years in private practice, I have specialized in a wide range of complex commercial litigation areas with extensive and active first-chair experience in jury and non-jury trials, arbitrations, mediations, and appeals. The emphasis of my practice is on representing financial institutions in the consumer financial services industry. I have litigated hundreds of cases in the mortgage industry, including, among others, cases involving mortgage servicing claims and disputes, violations of the Real Estate Settlement Procedures Act and the Truth in Lending Act, violations of state and federal debt collection acts, wrongful foreclosure, wrongful eviction, trespass to try title, suit to quiet title, slander of title, breach of contract, negligence,

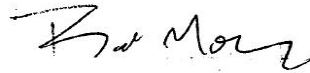


negligent misrepresentation, fraud, breaches of broker agreements, breaches of loan purchase agreements, mortgage fraud, predatory lending, and unfair and deceptive acts and practices statutes.

**Compensation**

I am employed as an attorney for Defendants Trustee and PHH, and I am not receiving any additional compensation for my testimony.

My resume is attached hereto and incorporated by reference as **Exhibit 1**.



---

**Robert T. Mowrey**

State Bar No. 14607500

rmowrey@lockelord.com

**LOCKE LORD LLP**

2200 Ross Avenue, Suite 2800

Dallas, Texas 75201

Telephone: (214) 740-8000

Facsimile: (214) 740-8800

**ATTORNEY FOR DEFENDANTS TRUSTEE  
AND PHH**

# **EXHIBIT 1**



# Robert T. Mowrey

## Partner

### Dallas

214-740-8505

[rmowrey@lockelord.com](mailto:rmowrey@lockelord.com)

### EDUCATION

J.D., cum laude, Southern Methodist University Dedman School of Law, 1977  
Order of the Coif  
Editor, Southwestern Law Journal

A.B., cum laude, Princeton University, 1974

### BAR ADMISSIONS

Texas

U.S. Supreme Court

### INDUSTRIES

Financial Services Litigation | Finance & Financial Services | Insurance & Reinsurance

### PRACTICES

Class Actions | Litigation

Rob Mowrey handles complex business-related and financial services litigation. He is well known and highly regarded within the financial services industry with more than 35 years of first-chair experience in jury and non-jury trials, arbitrations, mediations and appeals. He represents banks, non-banks and other financial institutions in the consumer financial services industry in individual suits and class action litigation. Rob regularly litigates cases arising under the Real Estate Settlement Procedures Act (RESPA), Truth in Lending Act (TILA), Fair Credit Reporting Act (FCRA), Fair Debt Collection Practices Act (FDCPA), and cases involving mortgage fraud, predatory lending, and unfair and deceptive acts and practices statutes.

### REPRESENTATIVE EXPERIENCE

Rob's representative experience includes:

#### Financial Services

- Represented national mortgage company in purported class action claims involving the Real Estate Settlement Procedures Act and the unauthorized practice of law. The U.S. Court of Appeals for the Fifth Circuit reversed the certification orders
- Represented a national lender in lender liability case. After a three-week jury

trial, the jury trial returned a defense verdict and the court awarded the lender its attorney fees and expenses for defending the suit. The U.S. Court of Appeals for the Fifth Circuit affirmed

- Represented national mortgage company in purported class action claims involving mortgage and pool insurance. The district court granted the mortgage company's motion to dismiss and the U.S. Court of Appeals for the Fifth Circuit affirmed

#### Automotive

- Represented automobile dealers in purported class action involving financing. After a week-long jury trial, the jury rendered a defense verdict. The trial court then certified the case as a class action and the Texas Court of Appeals reversed the certification

#### Real Estate

- Represented national homebuilder in Deceptive Trade Practices action regarding land purchase. After a three-week jury trial, the jury returned a defense verdict and awarded the homebuilder its attorney fees. The Texas Court of Appeals affirmed

Locke  
Lord

**REPORTED DECISIONS**

- *Germain v. US Bank National Association as Trustee for Morgan Stanley Mortgage Loan Trust 2006-7*, 920 F.3d 269 (5th Cir. 2019) (RESPA case)
- *Johnson v. Ocwen Loan Servicing, L.L.C.*, 918 F.3d 505 (5th Cir. 2019) (RESPA case)
- *Campidoglio LLC v. Wells Fargo & Company*, 870 F.3d 963 (9th Cir. 2017) (putative class case)
- *Alexander v. AmeriPro Funding, Incorporated*, 848 F.3d 698 (5th Cir. 2017) (ECOA case)
- *Seigel v. U.S. Bank National Association*, 218 F.Supp.3d 541 (S.D. Tex. 2016) (summary judgment)
- *Wood v. HSBC Bank USA, N.A.*, 505 S.W.3d 542 (Tex. 2016)
- *Garofolo v. Ocwen Loan Servicing, L.L.C.*, 497 S.W.3d 474 (Tex. 2016)
- *Barzelis v. Flagstar Bank, F.S.B.*, 784 F.3d 971 (5th Cir. 2015)
- *Wells Fargo Bank, N.A. v Murphy*, 458 S.W.3d 912 (Tex. 2015)
- *Richardson v. Wells Fargo Bank, N.A.*, 740 F.3d 1035 (5th Cir. 2014)
- *Sims v. Carrington Mtge. Servs., L.L.C.*, 889 F. Supp. 2d 883 (N.D. Tex. 2012), aff'd in part & question certified, No. 12-10978, --- F. App'x ---, 2013 WL 4083287 (5th Cir. Aug. 14, 2013), certified question accepted, No. 13-0638 (Tex. Aug. 23, 2013), certified question accepted, 440 S.W.3d 10 (Tex. May 16, 2014)
- *Reinagel v. Deutsche Bank Nat. Trust Co.*, 722 F.3d 700 (5th Cir. 2013)
- *King v. Bank of New York*, 2008 WL 2764523 (Tex. App. – Corpus Christi 2008) (jury trial)
- *Bradford v. WR Starkey Mortgage*, 2008 WL 4501957 (N.D. Ga. Feb. 22 2008) (dismissal of nationwide class action)
- *Rivera v. Countrywide Home Loans, Inc.*, 2008 WL 3196646 (Tex. App. – Dallas 2008) (summary judgment)
- *Hawthorne v. Countrywide Home Loans, Inc.*, 150 S.W.3d. 574 (Tex. App. -- Austin 2004, no writ) (class action)

- *Robinson v. Texas Automobile Dealers Ass'n*, 387 F.3d 416 (5th Cir. 2004) (class action)
- *O'Sullivan v. Countrywide Home Loans, Inc.*, 319 F.3d 732 (5th Cir. 2003) (class action)
- *Moore v. Radian Group, Inc.*, 233 F. Supp. 2d 819 (E.D.-Tex. 2002), aff'd, 69 Fed. Appx. 659, \_F.3d\_, 2003 WL 21356062 (5th Cir. 2003) (class action)
- *Isaac v. Norwest Mortgage*, 153 F. Supp.2d 900 (N.D. Tex.-2001) (Fair Housing Act case)
- *Peltier Enterprises, Inc. v. Jonray A. Hilton*, 51 S.W.3d 616 (Tex. App.- Tyler 2000, pet. denied) (class action; jury trial)
- *E-Z Mart Stores, Inc. v. Xerox Credit Corporation, TX-90-02-CA* (E.D. Tex. 1991) (after obtaining verdict in lender's favor, the trial court awarded the lender its attorney's fees and expert witness expenses for defending the suit), aff'd, 990 F.2d 1252 (5th Cir. 1993)
- *Daniel v. Ferguson et al.*, 839 F.2d 1124 (5th Cir. 1988) (jury trial)
- *Howell v. Homecraft Land Development, Inc.*, 749 S.W.2d 103 (Tex. App. -- Dallas 1987, writ denied) (jury trial)
- *Williams v. Thomas*, 692 F.2d 1032 (5th Cir. 1982) (jury trial)

He is a frequent lecturer on consumer finance issues before trade associations, industry groups and professional organizations. He has authored various newsletters and articles on these issues.

**PROFESSIONAL HISTORY**

- Partner, Locke Lord
- Chair, Locke Lord Financial Services Litigation Practice Group
- Chair, Locke Lord Practice Committee
- Law Clerk, Hon. Harry Phillips, Chief Judge, U.S. Court of Appeals for the Sixth Circuit (1977-1978)

**AWARDS AND RECOGNITIONS**

- Named, Chambers USA, Banking & Finance (2012)

- Named, The Best Lawyers in America®, Commercial Litigation, Litigation-Banking & Finance (2012-2022)
- Named, "Lawyer of the Year: Litigation-Banking and Finance," The Best Lawyers in America® (2017)
- Named, Texas Super Lawyers®, Business Litigation (2005-2020)

**PROFESSIONAL AFFILIATIONS**

- Member, American Bar Association, Litigation and Antitrust Sections
- Member, State Bar of Texas, Litigation Section
- Member, Dallas Bar Association, Business Litigation Section
- Member, Texas Bar Foundation
- Member, Texas State Bar College

**COURT ADMISSIONS**

- U.S. District Court for the Northern District of Texas
- U.S. District Court for the Eastern District of Texas
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. Court of Appeals for the Tenth Circuit
- U.S. Court of Appeals for the Eighth Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Supreme Court
- U.S. District Court for the Southern District of Texas
- U.S. District Court for the Western District of Texas

**PUBLICATIONS AND PRESENTATIONS**

- Locke Lord QuickStudy: Texas Supreme Court Affirms a Lender's Equitable Subrogation Rights Following Expiration of the Statute of Limitations on the Lender's Lien, January 29, 2021
- Locke Lord QuickStudy: Loss-Mitigation Communications to Mortgage Borrowers During COVID-19 Pandemic, March 20, 2020

- Locke Lord QuickStudy: The Fifth Circuit Clarifies RESPA Obligations for Mortgage Servicers and Sends a Warning that RESPA Should Not Be Used as a Weapon To Avoid Mortgage Payments or Delay Foreclosure, April 9, 2019
- Locke Lord QuickStudy: Federal District Court Pumps the Brakes on Borrower's Post-Acceleration FCRA Class Action Lawsuit, December 20, 2017
- Locke Lord QuickStudy: Texas Voters Ratify Amendment to Texas Constitution's Home-Equity Lending Provisions, November 9, 2017
- In-House Roundtable: How Corporate Counsel Are Dealing with Consumer Finance Class Action & Litigation, Costs, Legal Spend, Compliance Cost, and Retaining Outside Counsel, July 24, 2017
- Locke Lord QuickStudy: Fifth Circuit Rejects Arguments to Expand Scope of Liability under the Equal Credit Opportunity Act, February 27, 2017
- Locke Lord QuickStudy: Southern District of Texas Case Holds That Americold Does Not Apply to Mortgage-Backed Securities Trusts Because Such Trusts Are Not Real Parties to the Controversy, September 21, 2016
- Locke Lord QuickStudy: Texas Supreme Court Authorizes Attorney Fees' Awards in Home Equity Cases, February 12, 2015
- How Corporate Counsel are Managing Consumer Finance Claims/Class Actions, Compliance Challenges, and Enforcement Actions, Selecting and Working with Outside Counsel to Enhance the Client-Attorney Relationship, and Achieving Efficiencies with Reduced Budgets and Smaller Staffs, January 29, 2015

### Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Jan Orzes on behalf of Vincent Hess  
Bar No. 9549417  
mjorze@lockelord.com  
Envelope ID: 60825365  
Status as of 1/14/2022 10:31 AM CST

#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Robert T.Mowrey		rmowrey@lockelord.com	1/14/2022 10:30:00 AM	SENT
Vincent JHess		vjhess@lockelord.com	1/14/2022 10:30:00 AM	SENT
Arthur E.Anthony		aanthony@lockelord.com	1/14/2022 10:30:00 AM	SENT