

EXHIBIT B

Kim, Thomas (CFPB)

From: Rosanne Rust <rust@thewbkfirm.com>
Sent: Monday, April 28, 2014 4:21 PM
To: Kim, Thomas (CFPB)
Cc: David Souders; Sandra Vipond; Michael Trabon; Auchterlonie, Sarah (CFPB); Ravener, Kim (CFPB); Gordon, Donald (CFPB); Vazire, Navid (CFPB)
Subject: RE: Question Regarding Certain Rebuttal Expert Documents - In Re PHH et al.
Attachments: Ex 16 - Cascio Deposition Transcript.pdf; Ex 22 - Schmitz IH Transcript Excerpts.pdf; Ex 10 - Milliman Atrium Reinsurance Perf Metrics 1Q 2013 (ECX 0839 - Confidential).pdf

Thomas:

Regarding Dr. Crawshaw's expert rebuttal report, Respondents take the position that the entire expert rebuttal report, including all of the attachments and exhibits thereto, must remain under seal. Although such materials should remain under seal, pursuant to my discussion with Ms. Auchterlonie this morning (in which I was already granted a purported "extension"), Respondents are still providing copies of the attached materials, which contain Respondents' confidential information for which there was no prior designation of confidentiality. Please note that Respondents did *not* mark exhibits already designated as confidential by a Party or Third-Party (even if that designation of "confidential" was in the title of the document only, e.g., many of the native Excel files included as exhibits). *See, e.g.*, Protective Order (Dkt. 48), ¶ 4 ("**Designation.** . . . [A]ny document already marked as confidential prior to entry of this Protective Order is subject to this Protective Order and need not be re-designated."); *see also* ¶ 25 ("the Bureau, and any other Party, shall not use any Confidential Information or Highly-Confidential Information of a Party or Third Party, or any Document or other material derived from that Party's or Third Party's Confidential Information or Highly-Confidential Information, in this Administrative Proceeding . . . in a manner inconsistent with this Protective Order"). Respondents also believe that Exhibits 64 and 66 should be designated as Confidential, but because they are native files, Respondents have not stamped them with the word "Confidential."

To be clear, the Rebuttal Report, and all of the documents marked as Confidential, should remain under seal.

Thank you for your attention to this matter.

Sincerely,
Rosanne

Rosanne Rust
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From: Kim, Thomas (CFPB) [mailto:Thomas.Kim@cfpb.gov]
Sent: Monday, April 28, 2014 3:58 PM
To: Rosanne Rust
Cc: David Souders; Sandra Vipond; Michael Trabon; Auchterlonie, Sarah (CFPB); Ravener, Kim (CFPB); Gordon, Donald (CFPB); Vazire, Navid (CFPB)
Subject: RE: Question Regarding Certain Rebuttal Expert Documents - In Re PHH et al.

Roseanna:

Please confirm as soon as possible that you will not object to our filing a redacted version by 5 pm tomorrow. Otherwise, we have no choice but to file without your proposed redactions.

Thomas H. Kim
Enforcement Attorney
Consumer Financial Protection Bureau
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From: Rosanne Rust [mailto:rust@thewbkfirm.com]
Sent: Monday, April 28, 2014 3:55 PM
To: Kim, Thomas (CFPB)
Cc: David Souders; Sandra Vipond; Michael Trabon; Auchterlonie, Sarah (CFPB); Ravener, Kim (CFPB); Gordon, Donald (CFPB); Vazire, Navid (CFPB)
Subject: FW: Question Regarding Certain Rebuttal Expert Documents - In Re PHH et al.

Thomas:

First, I would like to point out that I tried to reach Ms. Auchterlonie three times last week during the period designated under the Protective Order. Despite calling on separate occasions, and leaving voicemail, in addition to sending an e-mail, I did not hear back from Ms. Auchterlonie until Friday morning when I was out of the office. I tried to schedule a time to discuss the matter with her on Friday despite being tied up with important appointments; however, we could not reach a time that worked. Therefore, we decided to speak this morning. During my call with Ms. Auchterlonie today, I was told that we would have until the end of today to submit redactions. We plan to do that here shortly, although we cannot guarantee that it will be completed by your definition of COB.

Thank you,
Rosanne

From: Rosanne Rust
Sent: Thursday, April 24, 2014 5:50 PM
To: 'Sarah.Auchterlonie@cfpb.gov'
Cc: David Souders; Michael Trabon
Subject: Question Regarding Certain Rebuttal Expert Documents - In Re PHH et al.

Sarah,

I tried to reach you yesterday to discuss some of the documents attached to Dr. Crawshaw's report, but to no avail. I tried again today with no luck. Perhaps email is a better way to try and reach you. I will be in the office until at least 7:00 p.m. this evening. If you could please call, I'd appreciate it. I have a few quick questions about some of the document's confidential status.

Thank you,
Rosanne

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