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**VIA FACSIMILE AND EMAIL**

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Re: Nivie Samaan v. Joseph Zernik  
Los Angeles County Superior Court, Case No. SC8087400  
**Notice of Ex Parte Application**

Gentlemen:

Please be advised that Non-Party Countrywide Home Loans, Inc. (“Countrywide”) will apply *ex parte* for an order shortening time for the Court to hear Countrywide’s motion (1) for monetary sanctions against Defendant Joseph Zernik (“Zernik”) for

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his repeated violations of the July 23, 2007 Protective Order directing Zernik to communicate solely with Countrywide's designated counsel regarding the present action and no other Countrywide officers or employees ("Court Order"); (2) for an order to show cause why Defendant Joseph Zernik should not be held in contempt and sanctioned accordingly for his continued violations of the Court Order; and (3) for a modification of the Court Order to include officers and employees of all Countrywide affiliates, including Bank Of America Corporation, which acquired Countrywide in July 2008 (the "Motion"). Countrywide requests that the Court set the earliest possible hearing date on this Motion. In the alternative, Countrywide asks the Court to set a hearing date of January 8, 2009, which would provide the parties with sixteen court-days' notice.

Countrywide's *ex parte* application seeks relief on the grounds that Defendant Joseph Zernik continues to violate the terms of the July 23, 2007 protective order by contacting Countrywide's senior officers and employees, and Countrywide will suffer irreparable harm if it is forced to continue to endure Zernik's harassment without timely court intervention to resolve this matter.

Countrywide's *ex parte* application will be heard at **8:30 a.m. on Monday, December 15, 2008**, in Department WEJ of the Los Angeles Superior Court, located at 1725 Main Street, Santa Monica, California, 90401.

Please advise as to whether you intend to appear and/or oppose Countrywide's *ex parte* application.

Very truly yours,



Jenna Moldawsky