

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

DAVID MCCRAE AND BARBARA MCCRAE,]	
PLAINTIFFS, qui tam]	
CONSUMER FINANCIAL PROTECTION BUREAU]	
vs.]	
LENDER PHH MORTGAGE, LLC., and]	CIVIL ACTION NO.
SUBSTITUTE TRUSTEE BARRETT BURKE DAFFIN]	1:14-cv-00733-LY
FRAPPIER TURNER AND ENGEL, LLP,]	
and VARIOUS ACTORS AND EMPLOYEES]	
OF DEFENDANTS JOHN DOE 1-100]	

Motion for Lemonade

Judge –

When life gives us lemons, and in order to expedite progress and improve communications among the parties, I would like the PHH Mortgage Company to furnish me with a new Volkswagen Golf TDI. My currently owned 2003 Jetta TDI just turned over 300,000 miles and though I have taken exceptionally good care with it, it needs replacement before I start to incur major inconvenience. I recently went to Hewlett VW here in Georgetown and found a nice white one, but I lack the credit standing for their sign-and-drive event currently proceeding.

The collapse of my credit score is due in large part to this proceeding, my bankruptcy, and the unfavorable report of my sole creditor filing POC, PHH Mortgage Company through their agent

BBDFT. The bankruptcy will stay on my report five years, then I'll resume a normal life. Credit score damage is really an unquantifiable result of our dispute. I would be willing to accept a sign-drive VW, underwritten by PHH, with them only making the payments for the duration of our dispute. This would be a sign of good faith and a step in the right direction, and I would accept the car as complete resolution of my intangible damages, and the jury will only be asked to consider the quantifiable damages, and the fines. It simplifies the restitution question tremendously. At the conclusion of our case, with the jury verdict for the major differences going either way, I'll immediately take over the remaining payments. If that turns out to be only a short time, it benefits everyone. Of course, I'll be paying insurance, operating expense, maintenance, tires, etc. anyway, while our case is proceeding. I have this case penciled in for jury about first quarter 2018, so my bankruptcy will be almost off the record by then. I have no other financial commitments of any size. PEC and City of Bertram show no concerns about continuing to provide me with electricity and water. PHH used to have a transportation division before they divested it this year, but I'm sure they still have contacts to obtain a car at a good price. Being in Texas, I'd prefer white, with a sunroof, but color is not really a deal breaker.

Respectfully,

Date: 1 September 2014

Signature: /s/ David McCrae, pro se

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Case Number: 1:14-cv-00733

[PROPOSED] ORDER GRANTING

Motion for Lemonade

DATE:

TIME:

COURTROOM:

JUDGE: Lee Yeakel

The Court has considered the Motion for Lemonade.

Finding that good cause exists, the Motion is GRANTED / DENIED.

MAKE IT SO.

DATED:

United States District/Magistrate Judge

SERVICE

I have served this Motion for Lemonade

To

McGlenchey Stafford, PLLC

Mr. Nathan Anderson

nanderson@mcglenchey.com

Mr. David Smith

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By e-mail

Pete Nantirux

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Sworn to on 1 September 2014 by /s/David McCrae, Pro se

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