

UNITED STATES COURT OF APPEALS, FIFTH CIRCUIT #14-51224

Appellant requests oral argument of this appeal

DATE _____

14-51224

David A. McCrae
Plaintiff - Appellant

v.

PHH Mortgage; Barrett, Burke, Daffin, Frappier, Turner and Engel, LLP
Defendants, Appellees

MORTGAGE AND CONSUMER FRAUD - COMPLEX

RECORD EXCERPTS

DAVID MCCRAE , PRO SE
350 CEE RUN
BERTRAM, TEXAS 78605
512.557.0283
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DOCKET SHEET

**U.S. District Court [LIVE]
Western District of Texas (Austin)
CIVIL DOCKET FOR CASE #: 1:14-cv-00733-LY**

McCrae et al v. PHH Mortgage
Assigned to: Judge Lee Yeakel
Demand: \$150,000,072,000
Case in other court: USCA Fifth Circuit, 14-51224
424th Judicial District Court, Burnet
County, 41159

Date Filed: 08/05/2014
Date Terminated: 11/04/2014
Jury Demand: Plaintiff
Nature of Suit: 290 Real Property: Other
Jurisdiction: Diversity

Cause: 28:1332 Diversity-Petition for Removal

Plaintiff

David McCrae

represented by **David McCrae**
350 Cree Run
Bertram, TX 78605
512-557-0283
Email: xstek99@gmail.com
PRO SE

Plaintiff

Barbara McCrae

represented by **Barbara McCrae**
350 Cee Run
Bertram, TX 78605
512-557-0283
PRO SE

V.

Defendant

PHH Mortgage

represented by **S. David Smith**
McGlinchey Stafford, PLLC
1001 McKinney
Suite 1500
Houston, TX 77002
(713)335-2136
Fax: 713/520-1025
Email: sdsmith@mcglinchey.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Nathan T. Anderson
McGlinchey Stafford, PLLC
2711 N. Haskell Ave
Ste 2750
Dallas, TX 75204
(214) 445-2445
Fax: 214/445-2450
Email: nanderson@mcglinchey.com
ATTORNEY TO BE NOTICED

Defendant

USAA Federal Savings Bank

Defendant

**Barrett Burke Daffin Frappier Turner
and Engel, LLP**

represented by **Coury M. Jacocks**
Barrett Daffin Frappier Turner & Engel,
LLP
15000 Surveyor Blvd.

Addison, TX 75001
 (972) 386-5040
 Fax: (800) 386-7673
 Email: couryj@bdfgroup.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**John Does 1-100***Attorneys and Associates*

Date Filed	#	Docket Text
08/05/2014	<u>1</u>	NOTICE OF REMOVAL by PHH Mortgage (Filing fee \$400 receipt number 0542-6715562), filed by PHH Mortgage. (Attachments: # <u>1</u> Exhibit A - State Court File, # <u>2</u> Exhibit B - Correspondence from Plaintiffs, # <u>3</u> Civil Cover Sheet, # <u>4</u> Supplement to JS-44, # <u>5</u> Supplemental Civil Coversheet)(Anderson, Nathan) (Attachment 3 replaced on 12/9/2014) (klw). (Attachment 3 replaced on 12/9/2014) (klw). (Attachment 3 replaced on 12/9/2014) (klw). (Attachment 4 replaced on 12/9/2014) (klw). (Entered: 08/05/2014)
08/05/2014	<u>2</u>	RULE 7 DISCLOSURE STATEMENT filed by PHH Mortgage. (Anderson, Nathan) (Entered: 08/05/2014)
08/05/2014		Case Assigned to Judge Lee Yeakel. CM WILL NOW REFLECT THE JUDGE INITIALS AS PART OF THE CASE NUMBER. PLEASE APPEND THESE JUDGE INITIALS TO THE CASE NUMBER ON EACH DOCUMENT THAT YOU FILE IN THIS CASE. (os) (Entered: 08/06/2014)
08/06/2014	<u>3</u>	ORDER that the removing party supplement the record with state court pleadings. Signed by Judge Lee Yeakel. (os) (Entered: 08/06/2014)
08/06/2014	<u>4</u>	SUPPLEMENT to <u>1</u> Notice of Removal, by PHH Mortgage. (Attachments: # <u>1</u> Exhibit Exhibit A to Supplement)(Anderson, Nathan) (Entered: 08/06/2014)
08/11/2014	<u>5</u>	MOTION for Permission to Electronically File Documents by David McCrae. (klw) (Entered: 08/12/2014)
08/11/2014	<u>6</u>	AMENDED COMPLAINT against PHH Mortgage, USAA Federal Savings Bank, Barrett Burke Daffin Frappier Turner and Engel, LLP, John Does 1-100 amending Petition filed in State Court and contained within <u>1</u> Notice of Removal, filed by David McCrae.(klw) <i>Clerk notes the Amended Complaint is only docketed as to Pro Se Plaintiff David McCrae as the second Pro Se Plaintiff, Barbara McCrae, did not sign the pleading.</i> (Entered: 08/12/2014)
08/12/2014	<u>7</u>	ORDER REFERRING all pending and future motion to Magistrate Judge Mark Lane for a Report & Recommendation. Signed by Judge Lee Yeakel. Referral Magistrate Judge: Mark Lane. (klw) (Entered: 08/12/2014)
08/13/2014	<u>8</u>	ORDER GRANTING Plaintiff David McCrae's <u>5</u> Motion for Permission for Electronic Case Filing. Signed by Judge Mark Lane. (klw) (Entered: 08/13/2014)
08/18/2014	<u>9</u>	NOTICE of Administrative Note received from Barbara McCrae, David McCrae. <i>Clerk notes the document is not "Filed" as it is not signed. (The document was filed traditionally, not electronically, and so it requires original signatures from both filers).</i> (klw) (Entered: 08/19/2014)
08/19/2014	<u>10</u>	MOTION for Discovery and for Temporary Stay Order by David McCrae. Motions referred to Judge Mark Lane. (klw) (Entered: 08/19/2014)
08/20/2014	<u>11</u>	MOTION for <i>Inclusion of CFPB and 50 States Complaint v. The Banks</i> by David McCrae. (Attachments: # <u>1</u> Exhibit CFPB Complaint US v THE BANKS). Motions referred to Judge Mark Lane. (McCrae, David) Modified on 8/20/2014 to modify text (klw). (Entered: 08/20/2014)

08/20/2014	<u>12</u>	MOTION for Leave to File by David McCrae.. Motions referred to Judge Mark Lane. (McCrae, David) (Entered: 08/20/2014)
08/20/2014	<u>13</u>	MOTION for Discovery by David McCrae.. Motions referred to Judge Mark Lane. (McCrae, David) (Entered: 08/20/2014)
08/20/2014	<u>14</u>	MOTION to Dismiss by PHH Mortgage. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Proposed Order). Motions referred to Judge Mark Lane. (Smith, S.) (Entered: 08/20/2014)
08/20/2014	<u>15</u>	Response in Opposition to Motion, filed by PHH Mortgage, re <u>10</u> MOTION for Discovery MOTION to Stay filed by Plaintiff David McCrae (Attachments: # <u>1</u> Proposed Order)(Smith, S.) (Entered: 08/20/2014)
08/20/2014	<u>16</u>	Response in Opposition to Motion, filed by PHH Mortgage, re <u>11</u> MOTION filed by Plaintiff David McCrae (Attachments: # <u>1</u> Proposed Order)(Smith, S.) (Entered: 08/20/2014)
08/20/2014	<u>17</u>	Response in Opposition to Motion, filed by PHH Mortgage, re <u>12</u> MOTION for Leave to File filed by Plaintiff David McCrae (Attachments: # <u>1</u> Proposed Order)(Smith, S.) (Entered: 08/20/2014)
08/20/2014	<u>18</u>	Response in Opposition to Motion, filed by PHH Mortgage, re <u>13</u> MOTION for Discovery filed by Plaintiff David McCrae (Attachments: # <u>1</u> Proposed Order)(Smith, S.) (Entered: 08/20/2014)
08/22/2014	<u>19</u>	MOTION for Referral to ADR/Mediation by David McCrae.. Motions referred to Judge Mark Lane. (McCrae, David) (Entered: 08/22/2014)
08/25/2014	<u>20</u>	Response in Opposition to Motion, filed by PHH Mortgage, re <u>19</u> MOTION for Referral to ADR/Mediation filed by Plaintiff David McCrae (Attachments: # <u>1</u> Proposed Order)(Smith, S.) (Entered: 08/25/2014)
08/26/2014	<u>21</u>	Summons Issued as to Barrett Burke Daffin Frappier Turner and Engel, LLP. (td) (Entered: 08/26/2014)
08/26/2014	<u>22</u>	RESPONSE to Motion, filed by David McCrae re <u>14</u> MOTION to Dismiss filed by Defendant PHH Mortgage. (td) Modified on 8/27/2014 to correct filer (klw). (Entered: 08/26/2014)
09/01/2014	<u>23</u>	<i>Jury Demand</i> by David McCrae. (Attachments: # <u>1</u> Exhibit Better Markets v. DOJ). Motions referred to Judge Mark Lane. (McCrae, David) Modified on 9/2/2014 to correct text (klw). (Entered: 09/01/2014)
09/03/2014	<u>24</u>	REPLY to Response to Motion, filed by PHH Mortgage, re <u>14</u> MOTION to Dismiss filed by Defendant PHH Mortgage (Smith, S.) (Entered: 09/03/2014)
09/08/2014	<u>25</u>	Response in Opposition to Motion, filed by PHH Mortgage, re <u>23</u> MOTION to Amend Complaint filed by Plaintiff David McCrae <i>Modified on 9/2/2014 to correct text 23 Jury Demand</i> (Attachments: # <u>1</u> Proposed Order)(Smith, S.) (Entered: 09/08/2014)
09/12/2014	<u>26</u>	<i>Defendant Barrett Daffin Frappier Turner & Engel, LLP's ANSWER to Complaint . Attorney Coury M. Jacocks added to party Barrett Burke Daffin Frappier Turner and Engel, LLP(pty:dft) by Barrett Burke Daffin Frappier Turner and Engel, LLP.(Jacocks, Coury) (Entered: 09/12/2014)</i>
09/15/2014	<u>27</u>	MOTION for Discovery by David McCrae.. Motions referred to Judge Mark Lane. (McCrae, David) (Entered: 09/15/2014)
09/15/2014	<u>28</u>	MOTION for Settlement by David McCrae.. Motions referred to Judge Mark Lane. (McCrae, David) (Entered: 09/15/2014)
09/15/2014	<u>29</u>	RESPONSE to Motion, filed by PHH Mortgage, re <u>27</u> MOTION for Discovery filed by Plaintiff David McCrae (Attachments: # <u>1</u> Proposed Order)(Anderson, Nathan) (Entered: 09/15/2014)
09/19/2014	<u>30</u>	REPORT AND RECOMMENDATIONS to the District Court that all claims asserted by Plaintiff Barbara McCrae, or any behalf of any person other than David McCrae should be dismissed without prejudice. IT IS FURTHER

		RECOMMENDED that the District Court GRANT Defendant PHH Mortgage's <u>14</u> Motion to Dismiss. IT IS FURTHER RECOMMENDED that the District Court DISMISS the claims brought by David McCrae against all other defendants with prejudice sua sponte for failure to state a claim. IT IS FINALLY RECOMMENDED that the District Court DISMISS all other pending motions. Signed by Judge Mark Lane. (klw) (Entered: 09/19/2014)
09/19/2014		CASE NO LONGER REFERRED to Magistrate Judge Mark Lane. (klw) (Entered: 09/19/2014)
09/19/2014		Copy of <u>30</u> Report & Recommendation sent to Barbara McCrae via regular mail and via CMRRR 7013 1710 0001 9920 6993. (klw) (Entered: 09/19/2014)
09/20/2014	<u>31</u>	OBJECTIONS to <u>30</u> REPORT AND RECOMMENDATIONS filed by David McCrae.(McCrae, David) Modified on 9/22/2014 to correct text and create link. (klw). (Entered: 09/20/2014)
09/21/2014	<u>32</u>	AMENDED COMPLAINT for <i>consumer fraud</i> against All Defendants amending, filed by David McCrae.(McCrae, David) (Entered: 09/21/2014)
09/22/2014	<u>33</u>	RESPONSE TO PLAINTIFF'S OBJECTIONS <u>31</u> to <u>30</u> Report and Recommendations,, by PHH Mortgage. (Attachments: # <u>1</u> Proposed Order)(Smith, S.) Modified on 9/22/2014 to create link (td). (Entered: 09/22/2014)
09/26/2014	<u>34</u>	MOTION to Strike <u>32</u> Amended Complaint and MOTION to Abate by PHH Mortgage. (Attachments: # <u>1</u> Proposed Order)(Anderson, Nathan) (Entered: 09/26/2014)
09/29/2014	<u>35</u>	Plaintiff's Final Written Offer of Settlement by David McCrae. (McCrae, David) Modified on 10/1/2014 to change the docket text to reflect the filer's document title (klw). (Entered: 09/29/2014)
10/01/2014	<u>36</u>	Certified mail acknowledgment receipt for magistrate <u>30</u> Report and Recommendations as to Barbara McCrae. (klw) (Entered: 10/01/2014)
10/02/2014	<u>37</u>	Response in Opposition to Motion, filed by David McCrae, re <u>34</u> MOTION to Strike <u>32</u> Amended Complaint and MOTION to Abate filed by Defendant PHH Mortgage (McCrae, David) (Entered: 10/02/2014)
10/30/2014	<u>38</u>	Plaintiff's Final Written Offer of Settlement by David McCrae. (McCrae, David) Modified on 11/3/2014 to correct title (klw). (Entered: 10/30/2014)
10/31/2014	<u>39</u>	NOTICE REGARDING PLAINTIFFS FILING TITLED SETTLEMENT AGREEMENT (DOC. NO. 38) by PHH Mortgage re <u>38</u> Settlement Agreement (Anderson, Nathan) (Entered: 10/31/2014)
11/04/2014	<u>40</u>	ORDER ADOPTING Magistrates <u>30</u> Report and Recommendations. ORDER Granting in Part Denying in Part <u>34</u> Motion to Strike <u>32</u> Plaintiffs Second Amended Complaint. Order Granting Defendant's <u>14</u> Motion to Dismiss. All other pending motions are DISMISSED. Signed by Judge Lee Yeakel. (klw) (Entered: 11/04/2014)
11/04/2014	<u>41</u>	FINAL JUDGMENT dismissing Plaintiff's claims against all Defendants. IT IS ORDERED that Defendant PHH Mortgage, LLC is awarded costs. Signed by Judge Lee Yeakel. (klw) (Entered: 11/04/2014)
11/10/2014	<u>42</u>	NOTICE OF APPEAL by David McCrae. Per 5th Circuit rules, the appellant has 14 days, from the filing of the Notice of Appeal, to order the transcript. To order a transcript, the appellant should fill out <u>Form DKT-13</u> (Transcript Order) and follow the instructions set out on the form. This form is available in the Clerk's Office or by clicking the hyperlink above. (jk) (Entered: 11/10/2014)
11/10/2014	<u>43</u>	MOTION to proceed In Forma Pauperis on appeal by David McCrae. (jk) (Entered: 11/10/2014)
11/18/2014	<u>44</u>	ORDER REFERRING MOTION: <u>43</u> MOTION to proceed In Forma Pauperis on appeal filed by David McCrae. Signed by Judge Mark Lane. Referral Magistrate Judge: Mark Lane. (klw) (Entered: 11/18/2014)

11/19/2014	<u>45</u>	ORDER DENYING David McCrae's <u>43</u> Motion to proceed In Forma Pauperis on Appeal. Signed by Judge Mark Lane. (klw) (Entered: 11/19/2014)
11/19/2014		Motions No Longer Referred: <u>43</u> MOTION to proceed In Forma Pauperis on appeal. (klw) (Entered: 11/19/2014)
12/11/2014		NOTICE of Certification of Electronic Record on Appeal accepted by the USCA re <u>42</u> Notice of Appeal. (klw) (Entered: 12/11/2014)
12/18/2014	<u>46</u>	BILL OF COSTS by PHH Mortgage. (Attachments: # <u>1</u> Exhibit (s))(Anderson, Nathan) (Entered: 12/18/2014)
12/31/2014		Transmitted Record on Appeal to Defendant PHH Mortgage's Attorney via e-mail, re <u>42</u> Notice of Appeal. (jk) Modified on 12/31/2014 (jk). (Entered: 12/31/2014)

NOTICE OF APPEAL

1 of 3 | Case 1:14-cv-733-LY-ML Western Texas District Court

IN THE UNITED STATES DISTRICT COURT OF WESTERN TEXAS

AUSTIN, TEXAS

DAVID MCCRAE, qui tam

CONSUMER FINANCIAL PROTECTION BUREAU

v.

PHH MORTGAGE CORPORATION (dba BURNET

MORTGAGE SERVICES;

CENTURY 21 MORTGAGE; COLDWELL BANKER

MORTGAGE; DOMAIN DISTINCTIVE PROPERTY

FINANCE; ERA MORTGAGE; INSTAMORTGAGE.COM

MORTGAGE SERVICE CENTER;

MORTGAGEQUESTIONS.COM; MORTGAGESAVE.COM


PHH MORTGAGE SERVICES)

And BARRETT DAFFIN FRAPPIER TURNER

AND ENGEL, LLP

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NOTICE OF APPEAL

FILED
2014 NOV 10 AM 11:27
CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY

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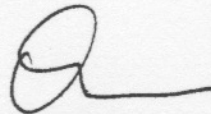
JURY TRIAL DEMANDED

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NOTICE OF APPEAL

Notice is hereby given that David McCrae, qui tam US Consumer Financial Protection Bureau, Plaintiff in the above named case, hereby appeal to the United States Court of Appeals for the 5 Circuit from the final judgment entered in this action on the 4 Day of November 2014.

11 November 2014



(s) David McCrae, pro se

350 Cee Run / Bertram, Texas 78605

512.557.0283 / xstek99@gmail.com

3 of 3 | Case 1:14-cv-733-LY-ML Western Texas District Court

CERTIFICATE OF SERVICE

I have served this Notice of Appeal to:

To

McGlenchey Stafford, PLLC

nanderson@mcglenchey.com

sdsmith@mcglenchey.com

thicks@mcglenchey.com

ahamilton@mcglenchey.com

dwalker@mcglenchey.com

afoster@mcglenchey.com

Barrett, Burke, Daffin, Frappier, Turner and Engel

ladonnab@bdfgroup.com

couryj@bdfgroup.com

By e-mail, CM/ECF

Sworn to on 11/11/2014



by /s/David McCrae, Pro se

350 Cee Run / Bertram Texas 78605

Xstek99@gmail.com

512.667.0283

DEMAND FOR JURY TRIAL

DOCUMENT 23

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]
SUBSTITUTE TRUSTEE BARRETT BURKE DAFFIN]
FRAPPIER TURNER AND ENGEL, LLP,]
and VARIOUS ACTORS AND EMPLOYEES]
OF DEFENDANTS JOHN DOE 1-100]

CIVIL ACTION NO.
1:14-cv-00733-LY

Demand for Trial by Jury

Judge –

In accord with Rule 38, I am demanding a trial by jury.

Since the recent and ongoing financial crisis in this country (Wall Street and the Financial Crisis, Anatomy of a Financial Collapse, Majority and Minority Staff Report, Permanent Subcommittee on Investigations, Committee on Homeland Security and Governmental Affairs, Carl Levin, Chairman and Tom Coburn, Ranking Minority Member), the Financial Institutions Reform, Recovery, and Enforcement act of 1989 (FIRREA) has been passed by the legislature (still being widely litigated) to define and confirm the ethical bedrock foundations of proper financial institution operations to the benefit of our community. The Consumer Financial Protection

Board has been established specifically by the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 to address, and the Department of Justice appears to have expended great effort in examining and regulating, mortgage servicing industry practice, company by company. The most egregious violators in the arena (BoFA, Chase, Citi, Greentree, Ocwen, Wells) have already begun to appear in courts to register consent judgments with the united group of all 50 State Attorneys General, and to disgorge record setting penalties in restitution of past practices, and to submit themselves and their changing practices to regulatory oversight by Joseph A. Smith, The Office of Mortgage Settlement Oversight (Joseph A. Smith does not participate in litigation). We are now considering just such industry practices in the case of the plaintiff and these two defendants. A jury has never been empaneled before to openly consider and judge these issues, or their most proper and effective remediation. Now is the time.

Attached Exhibit P-11, Better Markets v. DOJ - Complaint.

Respectfully,

Date: 1 September 2014

Signature: /s/ David McCrae, Pro se

350 Cee Run/Bertram, Texas 78605

512.557.0283

Xstek99@gmail.com

PAGES 3 + 4 REMOVED

DEMAND FOR JURY TRIAL

DOCUMENT 23.1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

BETTER MARKETS, INC.
1825 K Street, N.W., Suite 1080
Washington, D.C. 20006

Plaintiff,

v.

UNITED STATES DEPARTMENT
OF JUSTICE and ERIC H. HOLDER, JR.,
in his official capacity as Attorney
General of the United States,
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

Defendants.

PAGES
2-60
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Civil Action No.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

I. INTRODUCTION AND SUMMARY

1. This is an action under the Constitution of the United States, the Administrative Procedure Act (“APA”), and the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (“FIRREA”), against the United States Department of Justice and the Attorney General of the United States, Eric H. Holder, Jr. (together, “DOJ”), challenging the validity of the historic and unprecedented \$13 billion contractual agreement between the DOJ and JPMorgan Chase & Co. (“JP Morgan Chase”) that was announced on November 19, 2013 but never reviewed or approved by any court (“\$13 Billion Agreement”).

2. The \$13 Billion Agreement is a mere contract whereby JP Morgan Chase agreed to pay \$13 billion in exchange for complete civil immunity from DOJ for years of pervasive,

MAGISTRATE JUDGE'S REPORT

DOCUMENT 30

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

DAVID MCCRAE and BARBARA MCCRAE,

Plaintiffs,

V.

PHH MORTGAGE, LLC, AND
SUBSTITUTE TRUSTEE BARRETT
BURKE DAFFIN FRAPPIER TURNER
AND ENGEL, LLP, AND VARIOUS
ACTORS AND EMPLOYEES OF
DEFENDANTS JOHN DOE 1-100,

Defendants.

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A-14-CV-733 LY

2-19

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**REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

TO: THE HONORABLE LEE YEAKEL
UNITED STATES DISTRICT JUDGE

Before the Court are Defendant’s Motion to Dismiss, filed August 20, 2014 (Clerk’s Dkt. #14); Reply to PHH’s Motion to Dismiss, filed August 26, 2014 (Clerk’s Dkt. #22); and Defendant’s Reply to Plaintiff’s Response to Motion to Dismiss, filed September 3, 2014 (Clerk’s Dkt. #24). The matters were referred by United States District Judge Lee Yeakel to the undersigned for a Report and Recommendation as to the merits pursuant to 28 U.S.C. § 636(b), Rule 72 of the Federal Rules of Civil Procedure, and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas. After reviewing the pleadings, relevant case law, as well as the entire case file, the undersigned issues the following Report and Recommendation to the District Court.

I. BACKGROUND

On February 21, 2013 Plaintiffs David McCrae (“McCrae”) and Barbara McCrae filed this action in the 424th Judicial District Court of Burnet County, Texas. They named as sole defendant

THE JUDGMENT

DOCUMENT 41

IN THE UNITED STATES DISTRICT COURT
 FOR THE WESTERN DISTRICT OF TEXAS
 AUSTIN DIVISION

FILED

2014 NOV -4 PM 3:41

CLERK US DISTRICT COURT
 WESTERN DISTRICT OF TEXAS

BY _____ *(Signature)*
 DEPUTY

DAVID MCCRAE AND BARBARA
 MCCRAE,
 PLAINTIFFS,

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V.

CIVIL NO. A-14-CV-733-LY

PHH MORTGAGE, LLC AND
 SUBSTITUTE TRUSTEE BARRETT
 BURKE DAFFIN FRAPPIER TURNER
 AND ENGEL, LLP; AND VARIOUS
 ACTORS AND EMPLOYEES OF
 DEFENDANTS JOHN DOES 1-100,
 DEFENDANTS.

FINAL JUDGMENT

Before the court is the above-entitled cause. On this same date, the court dismissed Plaintiff's claims against all Defendants. Accordingly, the court renders the following Final Judgment pursuant to Federal Rule of Civil Procedure 58.

IT IS ORDERED that Defendant PHH Mortgage, LLC is awarded costs.

IT IS FURTHER ORDERED that the cause is hereby **CLOSED**.

SIGNED this 4th day of November, 2014.

(Signature)

 LEE YEAKEL
 UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I have served these Record Excerpts

To

McGlinchey Stafford, PLLC

Nathan T. Anderson 2711 North Haskell Avenue Suite 2750, LB 25 / Dallas, Texas
75204 / 214.445.2445, and

S. David Smith / 1001 McKinley Suite 1500 / Houston, TX 77002 / 713.335.2136

and

Barrett, Daffin, Frappier, Turner and Engel, LLP

Coury M. Jacobs / 15000 Surveyor Blvd. / Addison, TX 75001 / 972.386.5040

By e-mail and CM/ECF

Sworn to on ⁴3 March 2015

by /s/David McCrae, Pro se

350 Cee Run / Bertram Texas 78605

Xstek99@gmail.com

512.667.0283

DAM

Case: 14-11224 Document: 0012007170 Page: 1 Date Filed: 03/07/2015

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE
NEW ORLEANS, LA 70130

March 04, 2015

Mr. David A. McCrae
350 Cee Run
Bertram, TX 78605-4062

No. 14-51224 David McCrae v. PHH Mortgage, et al
USDC No. 1:14-CV-733

Dear Mr. McCrae,

The following pertains to your record excerpts electronically filed on March 4, 2015.

We filed your record excerpts. However, you must make the following correction(s) by March 9, 2015.

Please correct:

- 1) Optional contents exceed 40 page limitation, see 5TH CIR. R. 30.1.6. If you determine that the excessive optional pages are imperative, a motion is required.

****NOTE**** Once you have prepared your sufficient record excerpts, you must email it to: Nancy_Dolly@ca5.uscourts.gov for review. If the record excerpts are in compliance, you will receive a notice of docket activity advising you that the sufficient record excerpts have been filed.

Sincerely,

LYLE W. CAYCE, Clerk

Nancy F. Dolly

By: _____
Nancy F. Dolly, Deputy Clerk
504-310-7683

22 PAGES

DAM

cc: Mr. Nathan Templeton Anderson
Mr. Coury Matthews Jacocks
Mr. Sam David Smith