

IN RE: ESTATE OF MAX D. HOPPER,
DECEASED

IN THE PROBATE COURT

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JO N. HOPPER
Plaintiff,

NO. 1

v.

JPMORGAN CHASE BANK, N.A.
STEPHEN B. HOPPER, LAURA S.
WASSMER, AND QUAGMIRE, LLC,
Defendants.

DALLAS COUNTY, TEXAS

AFFIDAVIT OF ALAN S. LOEWINSOHN

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

BEFORE ME, the undersigned notary public, on this day personally appeared Alan S. Loewinsohn, who, after being by me duly sworn, did depose on his oath and state:

1. My name is Alan S. Loewinsohn. I am over the age of eighteen (18) years, of sound mind, have never been convicted of a felony, and am fully competent to testify to the facts contained herein. I have personal knowledge of the facts contained herein, all of which are true and correct.

2. I am an attorney with Loewinsohn Flegle Deary Simon LLP (“LFDS”). LFDS represents Plaintiff Jo N. Hopper (“Plaintiff”) in the above-styled action.

3. Attached to this Affidavit as Exhibit 1 are true and correct copies of select pages from the Oral and Videotaped Deposition of Tom Cantrill (“Cantrill Deposition”), conducted in the above-styled action on May 25, 2016, and the court reporter’s certificate.

4. I attended the Cantrill Deposition.

FURTHER AFFIANT SAYETH NOT.



[Handwritten signature in blue ink]

ALAN S. LOEWINSOHN

Subscribed and sworn to before me, the undersigned notary public, on September 30, 2016.



[Handwritten signature in blue ink]

Notary Public in and for
The State of Texas

My commission expires: 6/22/18

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CAUSE NO. PR-11-03238-1

IN RE: ESTATE OF MAX D.	§	IN THE PROBATE COURT
HOPPER, DECEASED,	§	
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	§	
JO N. HOPPER,	§	
	§	
Plaintiff,	§	
	§	NO. 1
v.	§	
	§	
JPMORGAN CHASE BANK, N.A.,	§	
STEPHEN B. HOPPER and LAURA	§	
S. WASSMER,	§	
	§	
Defendants.	§	DALLAS COUNTY, TEXAS

ORAL & VIDEOTAPED DEPOSITION OF
 THOMAS H. CANTRILL
 MAY 25, 2016

ORAL & VIDEOTAPED DEPOSITION OF THOMAS H. CANTRILL,
 produced as a witness at the instance of the Plaintiff,
 and duly sworn, was taken in the above-styled and
 numbered cause on May 25, 2016, from 9:07 a.m. to 5:56
 p.m., before James M. Shaw, RMR, CSR No. 1694, in and for
 the State of Texas, reported by computerized stenotype
 machine at Hunton & Williams, 1445 Ross Avenue, Suite
 3700, Dallas, Texas 75202, pursuant to Jo N. Hopper's
 Amended Notice of Intent to Take Oral Deposition, the
 Texas Rules of Civil Procedure and the provisions stated
 on the record or attached hereto.



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Q. Okay. Why, if the bank's position was that Mrs. Hopper owed any or some of these handwritten allocated items in Exhibit 132, did the bank take all of the money to pay the entirety of these exhibits from the estate account and none from Mrs. Hopper's sub account?

A. The fee agreement with the heirs starts off by saying all of the expenses are to be charged to the estate, which is what we did. And we are attempting to recover from Mrs. Hopper her allocable share of those expenses, which she through her counsel has said that she will contest. If we do recover, they will be credited back to the estate, but the fee agreement is the basis for charging them to the estate initially.

Q. Well, did you believe the fee agreement prevented you from taking the money from Mrs. Hopper's sub account, "you" being the bank?

REDACTED

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8 A. I don't believe the fee agreement speaks to
9 that subject, and, therefore, the fee agreement obviously
10 not addressing it, in my opinion, does not prevent us
11 from doing so.

12 Q. Then why didn't the bank do so?

13 A. Mrs. Hopper objected to any allocation of fees
14 or expenses to her account, her sub account or her
15 personally in any form, and we didn't take the money from
16 her account until it became clear that we were entitled
17 to do so.

18 Q. When did that become clear?

19 A. It hasn't become clear as we sit here today.

20 Q. And why do you say it hasn't become clear as
21 you sit here today?

22 A. She continues to contest it. It's in the
23 pleadings of the case that will get resolved in trial.
24 And until we get a ruling on whether any portion of the
25 fees can be recovered from Mrs. Hopper and if so what

1 portion, not necessarily what's written on the sheets,
2 it's unclear.

3 REDACTED
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1 I further certify that I am neither counsel for,
2 related to, nor employed by any of the parties in the
3 action in which this proceeding was taken, and further
4 that I am not financially or otherwise interested in the
5 outcome of this action.

6 Further certification requirements pursuant to
7 Rule 203 of the Texas Code of Civil Procedure will be
8 complied with after they have occurred.

9 Certified to by me on this 31st day of May, 2016.

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James M. Shaw, RMR, Texas CSR
Expiration date: 12/31/2016
Firm Registration No. 348



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