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16 **UNITED STATES DISTRICT COURT**
 17 **NORTHERN DISTRICT OF CALIFORNIA**

18 THE BANK OF NEW YORK MELLON (f/k/a The
 Bank of New York) and THE BANK OF NEW
 19 YORK MELLON TRUST COMPANY, N.A. (f/k/a
 The Bank of New York Trust Company, N.A.), as
 20 Trustees; U.S. BANK NATIONAL ASSOCIATION,
 21 as Trustee; and WILMINGTON TRUST COMPANY
 and WILMINGTON TRUST, NATIONAL
 22 ASSOCIATION, as Trustees,

23 Plaintiffs,

24 v.

25 CITY OF RICHMOND, CALIFORNIA, a
 municipality; RICHMOND CITY COUNCIL;
 26 MORTGAGE RESOLUTION PARTNERS LLC, a
 Delaware limited liability company; and
 27 GORDIAN SWORD LLC, a Delaware limited
 liability company,

28 Defendants.

Case No. CV-13-3664-CRB

**DECLARATION OF STACEY M.
 LEYTON IN SUPPORT OF MOTION
 FOR RULE 11 SANCTIONS**

Date: December 13, 2013
 Time: 10:00 a.m.
 Judge: Honorable Charles R. Breyer
 Courtroom 6, 17th Floor

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**DECLARATION OF STACEY M. LEYTON
IN SUPPORT OF MOTION FOR RULE 11 SANCTIONS**

I, Stacey M. Leyton, hereby declare as follows:

1. I am a partner at the law firm of Altshuler Berzon LLP, and am one of the attorneys for Defendants in the above-captioned matter. I make this declaration in support of Defendants' motion for Rule 11 sanctions.

2. On September 24, 2013, I sent the Rule 11 motion and proposed order to all Plaintiffs' counsel who were at that time listed as lead attorneys to be noticed for Plaintiffs by electronic mail and first-class mail. Attached as Exhibit A to this declaration is my electronic mail to Plaintiffs' counsel on September 24, 2013. Attached as Exhibit B to this declaration is a proof of service that we served on September 24, 2013.

3. I sent the Rule 11 motion and proposed order to counsel at the Alston & Bird LLP firm by electronic mail on September 24, 2013 and by first-class mail on September 25, 2013. Attached as Exhibit C to this declaration is a proof of service that we served on September 25, 2013.

4. The only changes made to the motion and proposed order before filing them today were to add or modify relevant dates.

5. Attached as Exhibit D to this declaration is a letter sent from Scott Kronland at my firm to Plaintiffs' counsel Bronwyn F. Pollack, as well as to the plaintiffs' counsel in the *Wells Fargo* case, on August 13, 2013, requesting dismissal of both the *Wells Fargo* case and this case as unripe.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Executed this 8th day of November, 2013, at San Francisco, California.

/s/Stacey M. Leyton
STACEY M. LEYTON