

IN THE CIRCUIT COURT OF THE FIFTEENTH  
JUDICIAL CIRCUIT IN AND FOR PALM BEACH  
COUNTY, FLORIDA,

CASE NO.: 2017- 000532 AK  
RESIDENTIAL MORTGAGE FORECLOSURE

US BANK TRUST N.A. AS TRUSTEE SUCCESSOR  
IN INTEREST TO BANK OF AMERICA, NATIONAL  
ASSOCIATION AS TRUSTEE, SUCCESSOR BY  
MERGER TO LASALLE BANK NATIONAL  
ASSOCIATION AS TRUSTEE FOR MERRILL LYNCH  
MORTGAGE INVESTOR TRUST, MORTGAGE LOAN  
ASSET-BACKED CERTIFICATE SERIES 2006-MLN1-1,

Plaintiff,

vs.

PETER A. COLOMBO, etc., et. ux., et al.,

Defendant and Plaintiff-in-Counterclaim

vs.

US BANK TRUST N.A. AS TRUSTEE SUCCESSOR  
IN INTEREST TO BANK OF AMERICA, NATIONAL  
ASSOCIATION AS TRUSTEE, SUCCESSOR BY  
MERGER TO LASALLE BANK NATIONAL  
ASSOCIATION AS TRUSTEE FOR MERRILL LYNCH  
MORTGAGE INVESTOR TRUST, MORTGAGE LOAN  
ASSET-BACKED CERTIFICATE SERIES 2006-MLN1 -1,  
and NATIONSTAR MORTGAGE, LLC,

Defendants-in-Counterclaim.

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**CLASS REPRESENTATIVE'S MOTION FOR AN ORDER APPROVING THE  
NOTICE TO CLASS, REQUEST FOR EXCLUSION, AND CLASS ADMINISTRATOR,  
AND TO REQUIRE NATIONSTAR TO PROVIDE NAMES AND ADDRESSES OF  
CLASS MEMBERS ON EXCEL SPREADSHEETS**

Class Representative, **PETER A. COLOMBO**, (“Colombo”), and the members of the Class  
(together “Class Plaintiffs”) pursuant to Fla. R. Civ. P, 1.220(d)(1) and (2) hereby moves the Court  
for an Order Approving the Notice to the members of the three certified Classes, the Request for

Exclusion, and the Class Administrator. Class Plaintiffs also requests the Court to require the Counter Defendant **US BANK TRUST N.A. AS TRUSTEE SUCCESSOR IN INTEREST TO BANK OF AMERICA, NATIONAL ASSOCIATION AS TRUSTEE, SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION AS TRUSTEE FOR MERRILL LYNCH MORTGAGE INVESTOR TRUST, MORTGAGE LOAN ASSET-BACKED CERTIFICATE SERIES 2006-MLN1-1's** (Counter-Defendant "US Bank") and Defendant in Counterclaim **NATIONSTAR MORTGAGE, LLC**, now known as "MR. COOPER" (Collectively "Nationstar") to provide the Class Members' Names and Mailing Addresses, and email addresses and social security numbers, if available, for each of the three classes certified on an excel spreadsheet(s). As grounds for this motion, the "Class Plaintiffs" respectfully state:

1. On July 24, 2025, the Court entered its Order Granting Counter/Plaintiff, Peter A. Colombo's Amended Motion for Class Certification. (D.E. #486). The Court in its Order certified the following three (3) classes:

All persons in the State of Florida whose mortgage contracts have been or are being serviced by Nationstar acting on behalf of US Bank and for other note or mortgage holders from since May 29, 2013, until the present, where Nationstar collected or attempted to collect through the mortgage account statements the following:

- a. Amounts for service of process for unknown spouse(s) and/or unknown tenant(s) in possession of subject property or any such reference to unknown spouses or tenants such as John Doe or Jane Doe.
  - b. Amounts for property maintenance where neither Nationstar nor anyone on Nationstar's behalf provided any maintenance on the property and when the fee was in fact a fee to register the property in default with a governmental unit or subunit.
  - c. Amounts attributable to fees to inspect the mortgaged property when the inspector did not inspect the mortgaged property.
2. Fla. R. Civ. P. 1.220(d)(1) and (2) require that upon the Court entering an order

allowing the claim or claims to be maintained on behalf of a class, that notice of the pending class action, shall be given to all members of the Class, and provide an opportunity for any class members to be excluded from the class. Specifically, Rule 1.220(d)(2) states:

As soon as is practicable after the court determines that a claim or defense is maintainable on behalf of a class, notice of the pendency of the claim or defense shall be given by the party asserting the existence of the class to all the members of the class. The notice shall be given to each member of the class who can be identified and located through reasonable effort and shall be given to the other members of the class in the manner determined by the court to be most practicable under the circumstances. Unless otherwise ordered by the court, the party asserting the existence of the class shall initially pay for the cost of giving notice. The notice shall inform each member of the class that (A) any member of the class who files a statement with the court by the date specified in the notice asking to be excluded shall be excluded from the class, (B) the judgment, whether favorable or not, will include all members who do not request exclusion, and (C) any member who does not request exclusion may make a separate appearance within the time specified in the notice.

3. Pursuant to Rule 1.220(d)(1) and (2), the Class Plaintiffs respectfully requests that the Court approve the "Notice of Pendency of Class Action", as provided for in attached Exhibit "A" and the "Request for Exclusion," attached as Exhibit "B."

4. Class Plaintiffs also respectfully request that the Court hereby authorize A. B. Data Ltd., 600 A B Data Dr, Glendale, WI 53217 to act as Class Notice Administrator to supervise and administer the notice procedures in this action. Colombo will file the Declaration of A.B. Data before the hearing on this motion.

5. Further, Class Plaintiffs, in order to provide notice to all members of the three (3) distinct classes, requests that the Defendant separately identify the members of each of the three separate and distinct certified classes and provide the names and addresses of the class members in each of the three distinct categories of classes, as indicated in paragraph 2 above, as well as email addresses and social security numbers if available, up through the date of this Order, or the most current date for which this information is available on an excel spreadsheet(s). As Class discovery

revealed, Nationstar has the names and mailing addresses of members of the three separate classes and can supply these names and mailing addresses of mortgage debtors who received mortgage account statements (MAS) sent by Nationstar and were or are defendants in a foreclosure action whose mortgages were serviced by Nationstar. Email addresses, if available, will also assist in providing adequate notice to all class members, and could lower the costs of mailing expenses.

6. With regard to social security numbers, these are necessary in order for the class administrator to locate class members, through various searches, if the addresses provided have changed or are otherwise not accurate. Requiring Nationstar to provide the social security numbers is consistent with the requirement of Rule 1.220(d)(2) that Class counsel must take all reasonable steps to locate and notify all class members of this litigation. Class counsel and the class administrator will make certain that the social security numbers provided will only be utilized to assist the class administrator to obtain the appropriate addresses in order to provide full notice to class members.

WHEREFORE, Class Plaintiffs move for an Order Approving the Form and Manner of Notice to the Class as stated above, to approve the Class Administrator, and Order the Defendant to provide the names, mailing addresses, email addresses, and social security numbers of all Class Members as requested herein above on an excel spreadsheet(s) to Plaintiffs counsel within (15) fifteen days.

Co-Counsel for Colombo:  
James A. Bonfiglio, Esq.  
LAW OFFICES OF JAMES A. BONFIGLIO, P.A.  
413 W. Boynton Beach Blvd,  
Boynton Beach, FL 33435  
Tilalawyer@aol.com  
[JAB@fightforeclosure.com](mailto:JAB@fightforeclosure.com)  
[/s/ James A. Bonfiglio](#)

Louis M. Silber, Esq.  
Allison J. Davis, Esq.  
SILBER & DAVIS  
501 S. Flagler Dr.  
Flagler Center Suite 306  
West Palm Beach, FL 33401  
[lsilber@silberdavis.com](mailto:lsilber@silberdavis.com)

Fla Bar No.: 288055

[adavis@silberdavis.com](mailto:adavis@silberdavis.com)

Jack Scarola, Esq.  
SEARCY, DENNEY, SCAROLA,  
BARNHARDT & SHIPLEY, P.A.  
2139 Palm Beach Lakes Blvd.  
West Palm Beach, FL 33409  
[jsx@searcylaw.com](mailto:jsx@searcylaw.com)  
[mmccann@searcylaw.com](mailto:mmccann@searcylaw.com)  
[scarolateam@searcylaw.com](mailto:scarolateam@searcylaw.com)

### CERTIFICATE OF SERVICE

**I HEREBY CERTIFY** that on 29<sup>th</sup> day of August, a true and accurate copy of the foregoing was filed with the Clerk of the Court using the State of Florida e-filing system which will send a notice of electronic service to:

Louis M. Silber, Esq.  
SILBER & DAVIS  
501 S. Flagler Dr.  
Flagler Center Suite 306  
West Palm Beach, FL 33401  
[lsilber@silberdavis.com](mailto:lsilber@silberdavis.com)

Jack Scarola, Esq.  
SEARCY, DENNEY, SCAROLA, etc  
2139 Palm Beach Lakes Blvd.  
West Palm Beach, FL 33409  
[jsx@searcylaw.com](mailto:jsx@searcylaw.com)  
[mmccann@searcylaw.com](mailto:mmccann@searcylaw.com)  
[scarolateam@searcylaw.com](mailto:scarolateam@searcylaw.com)

McGuireWoods LLP  
Sara F. Holladay, Esq.  
Emily Y. Rottmann, Esq.  
Jason R. Bowyer, Esq.  
50 North Laura Street, Ste. 3300  
Jacksonville, FL 32202-3661  
[sholladay@mcguirewoods.com](mailto:sholladay@mcguirewoods.com)  
[erottmann@mcguirewoods.com](mailto:erottmann@mcguirewoods.com)  
[jbwyer@mcguirewoods.com](mailto:jbwyer@mcguirewoods.com)  
[flservice@mcguirewoods.com](mailto:flservice@mcguirewoods.com)

Attorneys for Plaintiff CounterDefendant

Becker Poliakoff  
Candace Solis, Esq.  
2901 SW 149th Ave., Ste. 140  
Miramar, FL 33027  
Primary: csolis@bplegal.com

Daniel Wasserstein, Esq.  
301 Yamato Road, Suite 2199  
Boca Raton, Florida 33431  
danw@wassersteinpa.com

# **EXHIBIT A**

IN THE CIRCUIT COURT OF THE FIFTEENTH  
JUDICIAL CIRCUIT IN AND FOR PALM BEACH  
COUNTY, FLORIDA,

CASE NO.: 2017- 000532 AK  
RESIDENTIAL MORTGAGE FORECLOSURE

US BANK TRUST N.A. AS TRUSTEE SUCCESSOR  
IN INTEREST TO BANK OF AMERICA, NATIONAL  
ASSOCIATION AS TRUSTEE, SUCCESSOR BY  
MERGER TO LASALLE BANK NATIONAL  
ASSOCIATION AS TRUSTEE FOR MERRILL LYNCH  
MORTGAGE INVESTOR TRUST, MORTGAGE LOAN  
ASSET-BACKED CERTIFICATE SERIES 2006-MLN1-1,

Plaintiff,

vs.

PETER A. COLOMBO, etc., et. ux., et al.,

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IN INTEREST TO BANK OF AMERICA, NATIONAL  
ASSOCIATION AS TRUSTEE, SUCCESSOR BY  
MERGER TO LASALLE BANK NATIONAL  
ASSOCIATION AS TRUSTEE FOR MERRILL LYNCH  
MORTGAGE INVESTOR TRUST, MORTGAGE LOAN  
ASSET-BACKED CERTIFICATE SERIES 2006-MLN1 -1,  
and NATIONSTAR MORTGAGE, LLC,

Defendants-in-Counterclaim.

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**NOTICE OF PENDENCY OF CLASS ACTION**

**TO:** All persons in the state of Florida whose mortgage contracts have been or are being serviced by **NATIONSTAR MORTGAGE, LLC**, now known as "**MR. COOPER**" (Collectively "Nationstar") acting on behalf of **US BANK TRUST N.A. AS TRUSTEE SUCCESSOR IN INTEREST TO BANK OF AMERICA, NATIONAL ASSOCIATION AS TRUSTEE, SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION AS**

**TRUSTEE FOR MERRILL LYNCH MORTGAGE INVESTOR TRUST, MORTGAGE LOAN ASSET-BACKED CERTIFICATE SERIES 2006-MLN1-1** and for other note and or mortgage holders from May 29, 2013 until the present, where **NATIONSTAR** attempted to collect through mortgage account statements any of the following:

- a. Amounts for service of process for unknown spouse(s) and/or unknown tenant(s) in possession of subject property or any such reference to unknown spouses or tenants such as John Doe or Jane Doe.
- b. Amounts for property maintenance where neither Nationstar nor anyone on Nationstar's behalf provided any maintenance on the property and when the fee was in fact a fee to register the property in default with a governmental unit or subunit.
- c. Amounts attributable to fees to inspect the mortgaged property when the inspector did not inspect the mortgaged property.

This Notice is given pursuant to Rule 1.220 of the Florida Rules of Civil Procedure and by Order of the Circuit Court of the Fifteenth Judicial Circuit, in and for Palm Beach County, Florida. The purpose of this Notice is to inform you of a class action lawsuit, now pending in this Court, that has been brought on behalf of all those in the State of Florida who have their mortgages served by Nationstar Mortgage LLC now known as "Mr. Cooper" and who have either paid or have been charged the categories (a-c) listed above

## **THE LITIGATION**

It is alleged that Nationstar now known as Mr. Cooper on behalf US Bank and other note and mortgage holders have violated the Florida Consumer Collection (FCCPA), Section 559.55 et seq., the Florida Deceptive Unfair Trade Practices Act ("FDUTPA"), Section 501.21 et seq., and that Nationstar now known as Mr. Cooper breached the provisions of the mortgage contract and loan agreement by attempting to collect improper service of process fees, or property maintenance expenses where no property maintenance was performed, or attempting to collect fees to inspect the mortgaged property where no inspection took place.

## **THE PLAINTIFF CLASS**

By Order dated July 24, 2025 (D.E. 486), the Court certified the three (3) distinct Classes as listed above, and has designated as Class Representative, Peter A. Colombo. On August 22, 2025,

the Defendants appealed the Class Certification Order to the Fourth District Court of Appeal (D.E. 492).

## **IMPORTANT NOTICE**

**CERTIFICATION BY THE COURT OF THIS CLASS DOES NOT MEAN THAT ANY RELIEF WILL BE OBTAINED FOR CLASS MEMBERS, BECAUSE THE ISSUES ARE CONTESTED AND HAVE NOT BEEN DECIDED. RATHER, THE CLASS ACTION RULING MEANS THAT THE ULTIMATE OUTCOME OF THIS LAWSUIT -WHETHER FAVORABLE TO PLAINTIFFS OR TO DEFENDANT -WILL APPLY IN A LIKE MANNER TO ALL CLASS MEMBERS. CLASS MEMBERS WHO DO NOT TIMELY ELECT TO BE EXCLUDED FROM THE CLASS WILL BE BOUND BY THE OUTCOME OF THIS LITIGATION, WHETHER THAT OUTCOME IS FAVORABLE OR UNFAVORABLE TO THE CLASS.**

## **DEFENDANTS**

**NATIONSTAR MORTGAGE, LLC, now known as "MR. COOPER"**

**US BANK TRUST N.A. AS TRUSTEE SUCCESSOR IN INTEREST TO BANK OF AMERICA, NATIONAL ASSOCIATION AS TRUSTEE, SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION AS TRUSTEE FOR MERRILL LYNCH MORTGAGE INVESTOR TRUST, MORTGAGE LOAN ASSET-BACKED CERTIFICATE SERIES 2006-MLN1-1's**

## **RELIEF SOUGHT FOR CLASS MEMBERS**

- a. Refund of any payments made by class members for the improper charges listed above.
- b. Enjoining OCWEN and HSBC BANK from charging the improper fees listed above.
- c. Statutory damages not to exceed \$1,000.00 per consumer, with a \$500,000 cap.

## **ELECTION BY CLASS MEMBERS**

Even though you may be a member of one, two, or all of the three Classes, you may choose whether or not to remain a class member. Your choice will have certain consequences.

If you wish to remain a member of the class, and be part of any potential recovery, and be bound by the outcome of this litigation, then you do not need to do anything at this time. You

will be included in the class automatically. By remaining a class member any claims against US BANK and Nationstar as alleged in the Complaint will be determined in this case and cannot be presented by you in any other lawsuit.

If you do not wish to remain a member of the class or classes, you must submit the enclosed Request for Exclusion form postmarked no later than October 17, 2025. It must specify your name, address, and telephone number; and a clear statement that you wish to be excluded from the Class. Your Request for Exclusion should be mailed, first-class, to:

James A. Bonfiglio, Esq.,  
413 West Boynton Beach Blvd.  
Boynton Beach FL, 33435  
Counsel for Class Plaintiff

who will in turn promptly forward such a form to the Clerk of Court.

By electing to be excluded (1) you will not share in any potential recovery that might be obtained by the class as a result of trial or settlement of this lawsuit; (2) you will not be bound by any decision in this lawsuit favorable to defendant; and (3) you may present any claims you have against the defendant by filing your own lawsuit, or you may seek to intervene in this lawsuit.

## **RIGHTS AND OBLIGATIONS OF CLASS MEMBERS**

If you remain a member of one of the three Classes, the Class Representative, Peter A. Colombo and his attorneys will act as your representative and counsel for the prosecution of the claims against Nationstar and US BANK. If you desire, you may appear by your own attorney at your own expense. You may also seek to intervene individually. Your participation in any recovery or other benefit that may be obtained from the defendants through the trial, or the settlement will depend upon the results of this lawsuit.

As a member of one of the Classes, you will not be responsible to Plaintiffs' counsel for any attorneys' fees or costs except that the Court may award fees and costs to the prevailing party pursuant to statutes which govern this Class action litigation. Class counsel may also request from the Court out of pocket costs from any monies achieved on behalf of the Class. If you retain your own attorney, you will be responsible for his or her fees and costs. You will be entitled to notice and an opportunity to be heard respecting any proposed settlement or dismissal of the Class claims.

## **PLEASE KEEP YOUR ADDRESS CURRENT**

If you change your address, or if this Notice was not mailed to your correct address, you should immediately send written notice to the Notice Administrator at:

CLASS REPRESENTATIVE, PETER A. COLOMBO's Notice Administrator C/O: AB

Data Ltd., 600 A B Data Dr, Glendale, WI 53217.

## **ADDITIONAL INFORMATION**

The filing in this action may be examined and copied at any time during regular office hours, and subject to customary copying fees, at the Clerk of the Court's Office, Circuit Court of the Fifteenth Judicial Circuit, 205 North Dixie Highway, West Palm Beach, Florida 33401.

In addition, on the Searcy Denney Scarola Barnhart & Shipley website: <https://www.searcy.com/> there will be a link to this class action, "US Bank v. Colombo" Case No.: 17-532 AK, etc., Class Action Litigation". There you will find the operative Fourth Amended Complaint, Nationstar's & US Bank's Answer, the Order Granting Class Certification, and the Notice of Pendency of Class Action. The information in this link will be updated as necessary to include other important pleadings and relevant information to the class members. Any questions you have concerning the matters contained in this Notice, or about this litigation may be directed in writing to:

James A. Bonfiglio, Esq.,  
413 West Boynton Beach Blvd.  
Boynton Beach FL, 33435  
Co-Counsel for Class Plaintiff

**DO NOT TELEPHONE THE CLERK OF THE COURT OR THE CLERK'S OFFICE,  
OR THE JUDGE OR HIS OFFICE IN THIS MATTER.**

## **IMPORTANT INSTRUCTIONS**

**ANY QUESTIONS THAT ANY CLASS MEMBERS MAY HAVE SHOULD BE  
DIRECTED TO THE CLASS ADMINISTRATOR OR TO THE BONFIGLIO LAW  
FIRM**

# **EXHIBIT B**

IN THE CIRCUIT COURT OF THE FIFTEENTH  
JUDICIAL CIRCUIT IN AND FOR PALM BEACH  
COUNTY, FLORIDA,  
CASE NO.: 2017- 000532 AK

US BANK TRUST N.A. AS TRUSTEE SUCCESSOR  
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ASSOCIATION AS TRUSTEE, SUCCESSOR BY  
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MORTGAGE INVESTOR TRUST, MORTGAGE LOAN  
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MORTGAGE INVESTOR TRUST, MORTGAGE LOAN  
ASSET-BACKED CERTIFICATE SERIES 2006-MLN1 -1,  
and NATIONSTAR MORTGAGE, LLC,

Defendants-in-Counterclaim.

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**“REQUEST FOR EXCLUSION”**

**READ THE ENCLOSED LEGAL NOTICE CAREFULLY BEFORE FILLING OUT  
THIS FORM**

The undersigned **DOES NOT** wish to remain a member of the Class certified in the case of  
**US BANK TRUST N.A., etc v. PETER A COLOMBO** Case No.: 50-2017-CA-000532XXXXMB  
in the Fifteenth Judicial Circuit in and for Palm Beach County Florida. Dated this \_\_\_\_ day of  
,2025.

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Authorized Signature

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Printed Name

Address of Signatory:

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If you wish to exclude yourself from the Class, you must fill in this form and return it to:

James A. Bonfiglio, Esq.,  
413 West Boynton Beach Blvd.  
Boynton Beach FL, 33435-4026

Counsel for Class Plaintiff

**NO LATER THAN OCTOBER 17, 2025.**