

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFF USAA FEDERAL SAVINGS BANK (b) County of Resident of First Listed Plaintiff _____ (EXCEPT IN U.S. PLAINTIFF CASES) (c) Attorneys (Firm Name, Address, and Telephone Number) Martin C. Bryce, Jr., Ballard Spahr LLP, 1735 Market St., 51st Flr., Phila. PA 19103	DEFENDANTS PENNSYLVANIA HUMAN RELATIONS COMMISSION County of Residence of First Listed _____ (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. Attorneys (If Known) Unknown
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II. BASIS OF JURISDICTION (Place an "X" in One Box Only)	III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)																
<input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<table style="width: 100%;"> <tr> <th style="text-align: left;">PTF</th> <th style="text-align: left;">DEF</th> <th style="text-align: left;">PTF</th> <th style="text-align: left;">DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place Of Business in Another State</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> </tr> </table>	PTF	DEF	PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	Incorporated and Principal Place Of Business in Another State	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6
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IV. NATURE OF SUIT (Place an "X" in One Box Only)					
CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury-Med. Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal <input type="checkbox"/> 423 Individual 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(G)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 765 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS--Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

(PLACE AN "X" IN ONE BOX ONLY)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment
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VII. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and writ brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Complaint for Inunctive and Declaratory Relief pursuant to 12 U.S.C. §§ 1461 and 12 U.S.C. § 1983

VII. REQUESTED IN COMPLAINT	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND Unspecified damages Preliminary/Permanent Injunction
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CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No

DATE

SIGNATURE OF A ATTORNEY OF RECORD

12/13/10

Martin C Bryce

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG JUDGE _____

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

USAA FEDERAL SAVINGS BANK	:	CIVIL ACTION
	:	
v.	:	
	:	
PENNSYLVANIA HUMAN RELATIONS COMMISSION	:	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ☒

12/13/10
Date

Martin C. Bryce
Attorney-at-law

Plaintiff
Attorney for

215-864-8238
Telephone

215-864-8999
FAX Number

bryce@ballardspahr.com
E-Mail Address

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 10750 McDermott Freeway, San Antonio, TX 78288

Address of Defendant: Human Relations Commission, Phila. Regional Office, 110 N. 8th St., Ste. 501 Philadelphia, PA 19107

Place of Accident, Incident or Transaction: Pennsylvania

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☐

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes ☐ No ☒

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELEA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, _____, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: _____

Attorney-at-Law

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 12/13/10

Attorney-at-Law

Attorney I.D.# 1265

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

USAA Federal Savings Bank,	:	Civil Action
Plaintiff.	:	
	:	
v.	:	No.: _____
	:	
Pennsylvania Human Relations Commission	:	
Defendant.	:	

VERIFIED COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

Plaintiff, USAA Federal Savings Bank (hereinafter “USAA FSB”), brings this Complaint against Defendant, the Pennsylvania Human Relations Commission (hereinafter “PHRC”), and avers as follows:

1. Plaintiff brings this action to require the PHRC to comply with federal law. Specifically, as detailed below, the PHRC seeks to conduct an investigation of and exercise rights of visitation over USAA FSB by issuing subpoenas and demanding that USAA FSB produce documents as it investigates whether USAA FBS’s procedures for approving, rejecting or granting loans violate Pennsylvania law. USAA FSB is a federal savings association created under the federal Homeowners’ Loan Act (“HOLA”), 12 U.S.C. §§ 1461, *et seq.*, and is subject to the exclusive supervision and regulation of the Office of Thrift Supervision (“OTS”) under the HOLA.

PARTIES

2. Plaintiff USAA FSB is chartered as a federal savings association and is exclusively regulated by the OTS. Its principal place of business is in San Antonio, Texas.

3. Defendant PHRC is the agency of the Commonwealth of Pennsylvania created by state statute to investigate complaints of unlawful discrimination filed pursuant to the

Pennsylvania Human Relations Act (“PHRA”), 43 P.S. § § 951, *et seq.* The PHRC maintains offices in Philadelphia, Pennsylvania.

JURISDICTION AND VENUE

4. This action is brought under the HOLA, the Supremacy Clause of the United States Constitution, and 42 U.S.C. § 1983. The Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331, because it arises under the Constitution and laws of the United States. In addition, jurisdiction is proper under 28 U.S.C. § 1343(a)(3), because Defendant, under color of state law, seeks to deprive Plaintiff of its federal constitutional rights. This Court is authorized to issue a declaratory judgment pursuant to 28 U.S.C. §§ 2201 and 2202.

5. Venue in this district is proper under 28 U.S.C. § 1391(b)(1), because the Defendant resides in this district.

FACTUAL ALLEGATIONS

HOLA and OTS Regulations

6. As a federal savings association, USAA FSB provides its customers with a broad range of banking services and products, including deposit and loan products.

7. Federal savings associations, such as Plaintiff USAA FSB, are chartered pursuant to the HOLA, and, with certain limited exceptions not relevant hereto, are regulated and subject to examination exclusively by the OTS. *See* 12 C.F.R. § 560.2. Indeed, the OTS has expressly “occupied the field” with respect to the regulation of federal thrifts such as USAA FSB:

Occupation of field. Pursuant to sections 4(a) and 5(a) of the HOLA, OTS is authorized to promulgate regulations that preempt state laws affecting the operations of federal savings associations when deemed appropriate to facilitate the safe and sound operation of federal savings associations, to enable federal savings associations to conduct their operations in accordance with the best practices of thrift institutions in the United States, or to further

other purposes of the HOLA. To enhance safety and soundness and to enable federal savings associations to conduct their operations in accordance with best practices (by efficiently delivering low-cost credit to the public free from undue regulatory duplication and burden), OTS hereby occupies the entire field of lending regulation for federal savings associations.

12 C.F.R. § 560.2(a).

8. OTS regulations explicitly provide for the preemption of state and local laws relating to the “[p]rocessing, origination, servicing, sale or purchase of, or investment or participation in, mortgages.” 12 C.F.R. § 560.2(b)(10).

9. The regulation and oversight of federally chartered savings associations by OTS under the HOLA has consistently been held by the courts to be pervasive and to create “field preemption” precluding any state regulation of federally chartered savings associations with respect to, among other subjects, their lending and deposit taking activities and operations, and any investigations thereof. *See, e.g., Silvas v. E*Trade Mortgage Corp.*, 514 F.3d 1001 (9th Cir. 2008); *State Farm Bank v. Reardon*, 539 F.3d 336 (6th Cir. 2008).

10. In light of this field preemption, and given the need for uniformity and freedom from regulatory duplication and state-by-state variations, state laws (including those of Pennsylvania and those governing the PHRC) purporting to regulate the operations or provide for the regulation of federal savings associations are preempted by federal law and are invalid under the Supremacy Clause of the United States Constitution.

11. Moreover, only the OTS has the authority to exercise visitorial powers by examining federal savings banks. Under section 5(a) of the HOLA, the OTS is exclusively authorized to “provide for the . . . examination, operation, and regulation” of federal savings banks. 12 U.S.C. § 1464(a). States have no additional authority to monitor, examine, or inquire into the operations of a federal savings bank. *See, e.g., id.*; 12 C.F.R. § 545.2; *Fidelity Fed. Sav.*

& *Loan Assoc. v. de la Cuesta*, 458 U.S. 141, 161 (1982); OTS Op. Chief Counsel (January 18, 1996). The operative OTS regulation expressly provides: “The regulations in this Part 545 are promulgated pursuant to the plenary and exclusive authority of the Office to regulate all aspects of the operations of Federal savings associations, as set forth in section 5(a) of the Act. This exercise of the Office's authority is preemptive of any state law purporting to address the subject of the operations of a Federal savings association.” 12 C.F.R. § 545.2.

The PHRC Regulatory Scheme

12. The PHRC is specifically empowered “[t]o initiate, receive, investigate and pass upon complaints charging unlawful discriminatory practices.” 43 Pa. S. § 957(f); *id.* § 959(a). After a complaint is filed, “the Commission shall make a prompt investigation in connection therewith.” *Id.* § 959(b)(1). In connection with its investigation, the Commission is specifically empowered to subpoena witnesses and require the production of documents. *Id.* § 957(g)(1).

13. A respondent against whom a complaint is filed must file a written, verified answer to the complaint within 30 days of service of the complaint. 43 Pa. S. § 959(b)(3). Thereafter, the Commission both encourages the settlement of the matter and conducts its investigation. *Id.* § 959(b)(4). If the matter does not settle, a hearing officer must determine whether or not “probable cause exists for crediting the allegations of the complaint.” *Id.* § 959(c). If no probable cause is found, the Commission will dismiss the matter although the complainant may object to said dismissal. *Id.* “If it shall be determined after such investigation that probable cause exists for crediting the allegations of the complaint, the Commission shall immediately endeavor to eliminate the unlawful discriminatory practice complained of by

conference, conciliation and persuasion.” *Id.* § 959(d). If the matter thereafter remains unresolved, the Commission will set a fact-finding hearing. *Id.*

14. USAA FSB has been, and is being threatened to be, subjected to these and other regulatory requirements by Defendant PHRC.

15. These requirements unduly burden, interfere with, and create an obstacle to USAA FSB’s exercise of its full rights and powers under its federal charter by subjecting USAA FSB to duplicative and potentially conflicting regulation.

16. Subjecting USAA FSB to the application of the PHRA and the oversight of the PHRC would subject it to additional operational requirements when said requirements are expressly preempted by the OTS. *See* 12 C.F.R. § 560.2(a) & (b)(1).

17. Compliance with the PHRC’s investigatory demands also would require USAA FSB to incur repetitive, undue burdens and expenses to ascertain and to comply with diverse state requirements in order to perform its authorized activities and exercise its federally authorized powers on a nationwide basis.

18. Through its investigation and demand for documents, the PHRC is impermissibly and unlawfully attempting to exercise visitorial powers that state agencies are prohibited from exercising, with respect to federal savings associations.

The Present Controversy

19. On May 5, 2009, Ms. Madelene Jacob (“Jacob”) was conditionally approved by USAA FSB for a cash out refinance with respect to an investment property located in Norristown, PA.

20. Upon her application, USAA FSB advised Ms. Jacob of the general guidelines for her loan request, which included: a maximum Loan-to-Value (“LTV”) ratio of

70%, a Debt-to-Income (“DTI”) ratio of 55%, and a minimum of six months in available reserves.

21. After review of Ms. Jacob’s financial information, including tax returns and bank statements, USAA FSB determined that Ms. Jacob did not possess sufficient reserves and that her DTI was above 55%. As a result, USAA FSB denied Ms. Jacob’s loan request. USAA FSB notified Ms. Jacob of the denial and of the reasons the loan was denied. Ms. Jacob was not denied a loan for any other reason, including her race or gender.

22. Ms. Jacob proceeded to file a complaint with the PHRC in June 2009, without specifically asserting any basis for her allegation that USAA FSB discriminated against her when USAA FSB denied the cash out refinancing loan on her investment property. A copy of Ms. Jacob’s Complaint is attached hereto as Exhibit A.

23. In response to her Complaint, USAA FSB filed a Response and Position Statement (“Response”) with the PHRC. USAA FSB’s Response set forth the reasons why Ms. Jacob’s unsubstantiated claims should be rejected unequivocally.

24. The first reason asserted was that USAA FSB is a federally chartered savings bank regulated and supervised by the OTS, and as a result, it is not subject to any state laws or state agency supervision or action, including that of the PHRC.

25. The second reason stated was that, even if USAA FSB were subject to the supervision of the PHRC, USAA FSB did not discriminate against Ms. Jacob for any reason whatsoever, nor did it treat Ms. Jacob less favorably than any other USAA FSB customer. On the contrary, the facts demonstrate that USAA FSB treated Ms. Jacob fairly, objectively, and equitably.

26. Despite the absence of any evidence of discrimination on the part of USAA FSB, USAA FSB's denial of any discrimination, and the fact that the PHRC has no authority over USAA FSB, the PHRC requested the following documents from USAA FSB: 1) from January 2009 to present, any/all documents for individuals receiving conditional loan approval during this time frame, including age, national origin and source of income information, 2) any/all documents for all individuals who received conditional loan approval and were denied during the same time frame, including reason for denial and age, national origin and source of information, and 3) any/all documents of individuals who were conditionally approved for loans and subsequently approved for loans, including age, national origin and source of income information. The PHRC did not geographically limit the scope of its request. A copy of the PHRC April 29, 2010 correspondence is attached hereto as Exhibit B.

27. In its April 29, 2010 correspondence, the PHRC indicated that the requested documents were needed to "continue the investigation."

28. The document request was extremely broad in scope, essentially requiring the entire loan file for all loans concerning every applicant and/or borrower from January 2009 to the present, including the personal, private information of every such customer and confidential business information regarding USAA FSB's operations.

29. On May 28, 2010, USAA FSB responded to the April 29, 2010 document request, reiterating that it was not subject to the PHRC's supervision, and that the document request could implicate a voluminous amount of documents which would be highly burdensome for USAA FSB to produce. Furthermore, such a request could potentially compromise the confidential and private information of USAA FSB's customers. A copy of the May 28, 2010 USAA FSB correspondence is attached hereto as Exhibit C.

30. On August 12, 2010, the PHRC responded to USAA FSB, issuing a modified data and document request. The request asked for the following documents: 1) Ms. Jacob's entire loan file; and 2) all documents contained in the entire loan file of a random sampling of fifty (50) refinance loan applicants, during the time period from January 1, 2009 to December 31, 2009. A copy of the August 12, 2010 PHRC correspondence is attached hereto as Exhibit D.

31. The request is still extremely overbroad in scope, as USAA FSB has already established that no discrimination occurred with respect to Ms. Jacob's loan.

32. On August 26, 2010, the PHRC sent a letter to USAA FSB, indicating that the documents requested were "deemed essential to this investigation." To the extent USAA FSB did not produce these documents, the PHRC said it would recommend that the PHRC's legal staff "initiate subpoena procedures to secure the data and documents." A copy of the August 26, 2010 PHRC correspondence is attached hereto as Exhibit E.

33. Since this date, the PHRC has repeatedly threatened USAA FSB that it would immediately issue subpoenas should it not receive the requested documents.

34. Subsequently, the PHRC served USAA FSB with a subpoena, seeking the production of the following documents by December 14, 2010: 1) Ms. Jacob's entire loan file, including but not limited to all credit reports USAA FSB obtained for Ms. Jacob and all financial records submitted by Ms. Jacob to USAA FSB; and 2) all documents contained in the entire loan file of a random sampling of fifty (50) refinance loan applicants, during the time period from January 1, 2009 to December 31, 2009. A copy of the subpoena is attached hereto as Exhibit F.

FIRST CLAIM FOR RELIEF
(For Declaratory and Injunctive Relief
Pursuant to 42 U.S.C. § 1983 and the HOLA)

35. Plaintiffs incorporate by reference the averments contained in paragraphs 1 through 33 above as set forth in full herein.

36. Under the HOLA, Congress authorized the OTS to “provide for the . . . examination, operation, and regulation” of federal savings associations “giving primary consideration of the best practices of thrift institutions in the United States.” 12 U.S.C. § 1464(a).

37. The OTS has promulgated comprehensive regulations governing the operations of federal savings associations. 12 C.F.R. pts. 545, 555, 557 & 560. These regulations are promulgated pursuant to “the plenary and exclusive authority of [OTS] to regulate all aspects of the operations of Federal savings associations . . . and [t]his exercise of the [OTS’s] authority is preemptive of any state law purporting to address the subject of the operations of a Federal savings loan association.” 12 C.F.R. § 545.2.

38. With respect to USAA FSB’s lending activities, the OTS “occupies the entire field of lending regulation for federal savings associations. OTS intends to give federal savings associations maximum flexibility to exercise their lending powers in accordance with a uniform federal scheme of regulation. Accordingly, federal savings associations may extend credit as authorized under federal law, including this part, without regard to state laws purporting to regulate or otherwise affect their credit activities. . . .” 12 C.F.R. § 560.2(a).

39. State law, including the PHRA is preempted by HOLA and the OTS’s regulations. Indeed, the Supreme Court has explained: “[T]he statutory language suggests that Congress expressly contemplated, and approved, the [OTS]’s promulgation of regulations

superseding state law. [It] would have been difficult for Congress to give the [OTS] a broader mandate." *Fidelity Fed. Sav. & Loan Assoc. v. de la Cuesta, supra.*, at 161.

40. Only the OTS has the authority to exercise visitorial powers by examining or otherwise investigating federal savings banks such as USAA FSB. *See, e.g.*, 12 U.S.C. § 1464(a); 12 C.F.R. § 545.2; *Fidelity Fed. Sav. & Loan Assoc. v. de la Cuesta, supra.*

41. The PHRC is attempting to exercise visitorial powers over USAA FSB through its "investigation" of alleged discrimination. Through the application of the PHRA and its investigatory powers, the PHRC seeks to investigate and examine the lending activities of USAA FSB to determine if any violations of state law have occurred. By attempting to conduct such an investigation of a federal savings association, the PHRC impermissibly and unlawfully attempts to exercise visitorial powers that state agencies are prohibited from exercising by federal law.

42. Under federal law, including the United States Constitution (Supremacy Clause), the HOLA, and the regulations duly promulgated thereunder, a federal savings association has the right to be free from the application of state law and from unlawful attempts to exercise visitorial powers over it.

43. The PHRC is attempting to enforce the PHRA, and the subpoenas purported to be issued by the PHRC would be pursuant to the PHRA, a Pennsylvania statute. Accordingly, the PHRC is purporting to act under color of state law.

44. Unless enjoined by order of this Court, the PHRC is attempting to subject USAA FSB to the application of state law and threatens to seek issuance and enforcement of subpoenas against USAA FSB and to investigate USAA FSB, in violation of 42 U.S.C. § 1983. The PHRC, under color of state law, is attempting to exercise visitorial powers over USAA FSB,

and is obstructing and conditioning USAA FSB's exercise of incidental and enumerated powers under the HOLA.

45. Such violation of federal law by the PHRC will inflict irreparable harm on USAA FSB and will violate their legal rights under federal law.

46. USAA FSB has no adequate remedy at law.

47. Accordingly, USAA FSB prays that this Court, preliminarily and permanently, issue an injunction requiring the PHRC and its agents to cease and desist from all attempts to investigate USAA FSB or apply Pennsylvania law against USAA FSB.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff USAA FSB prays for relief as follows:

A. Entry of a declaratory judgment that the PHRC and its agents may not, consistent with the United States Constitution, the HOLA, and 42 U.S.C. § 1983, apply the PHRA or other Pennsylvania laws to USAA FSB, pursue any subpoenas or any applications compelling compliance with any subpoenas or investigate USAA FSB.

B. Since USAA FSB has no adequate remedy at law and is threatened with irreparable injury, issuance of temporary, preliminary and permanent injunctions, requiring the PHRC and its agents to cease and desist from all attempts to investigate USAA FSB or apply Pennsylvania law against USAA FSB.

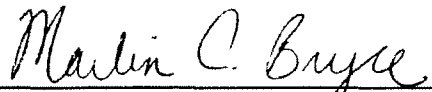
C. Costs incurred in maintaining this suit;

D. Reasonable attorneys' fees and other expenses incurred in maintaining this suit pursuant to 42 U.S.C. § 1988; and

E. Such other and further relief as this Court may deem just and proper.

Respectfully Submitted,

Date: December 13, 2010

A handwritten signature in cursive script, reading "Martin C. Bryce, Jr.", written in black ink.

Alan S. Kaplinsky (Attorney I.D. No. 2446)
Martin C. Bryce, Jr. (Attorney I.D. No. 59409)
Tejal K. Mehta (Attorney I.D. No. 208090)
BALLARD SPAHR LLP
1735 Market Street, 51st Floor
Philadelphia, PA 19103-7599
(215) 665-8500

Attorneys for Plaintiff
USAA Federal Savings Bank

EXHIBIT A

Housing Discrimination Complaint

U.S. Department of Housing
and Urban Development
Office of Fair Housing
and Equal Opportunity

OHS Approval No. 2529 0811

Please type or print this form

Public Reporting Burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Read the entire form and all the instructions carefully before completing. All questions should be answered. However, if you do not know the answer or if a question is not applicable, write the question, mark or write "N/A" and fill out as much of the form as you can. Your OHS form should be signed and dated. (Where more than one individual or organization is filing the same complaint, and all information is the same, each additional individual or organization should complete items 1 and 7 of a separate complaint form and attach it to the original form. Complaints may be presented in person or mailed to the HUD State Office operating the Statewide the complaint process (see list on back of form, or any HUD Field Office, or the Office of Fair Housing and Equal Opportunity, U.S. Department of HUD, Washington, D.C. 20410).

1. Name of Individual Person or Organization filing report, full name, address, phone, fax, e-mail, etc.

TACOH, Madeline E.

U.S.A.A. Federal Savings Bank

Print Address (City, County, State & Zip code)

16750 McDermott Freeway, San Antonio, TX 78238

Check the appropriate box or boxes which describe the party name above:

☐ Buyer ☐ Owner ☐ Broker ☐ Real Estate Agent ☐ Bank or Lender ☐ Other

If you have an individual filing who is filing as a company or in its name, check the box ☐ and give the name and address of the company in this space:

Name: U.S.A.A. Federal Savings Bank 16750 McDermott Freeway, San Antonio, TX 78238

Name and identify others if any you believe you were harmed by this:

Nancy Johnson, James Martinez, Charles Aguilar, Ed (Carmen)

3. What are the parties you are complaining against? Check all that apply and give the most recent date(s) when occurred in block No. 8 on form.

☐ Refused to rent, sell, or deal with you ☐ Fully deny housing was available ☐ Discrimination in terms of service ☐ Discrimination in housing services ☐ Discrimination in housing services ☐ Discrimination in housing services

☐ Other (specify)

4. Do you believe that you were discriminated against because of your race, color, sex, handicap, or presence of children under 18, or a pregnant woman in the family or your national origin? Check all that apply.

☐ Race or Color ☐ Sex ☐ Handicap ☐ Presence of children under 18 in the family ☐ National Origin ☐ American Indian or Alaska Native ☐ Other (specify)

☐ Other (specify)

5. What kind of house or property was involved? Check all that apply.

☒ Single-family house ☐ A house or building for 2, 3, or 4 families ☐ A building for 5 families or more ☐ Other, including vacant land held for residential use (specify)

Is the house or property?

☐ Being sold ☐ Being rented ☐ Unknown

Is the house or property?

☐ Being sold ☐ Being rented ☐ Unknown

Is the house or property?

☐ Being sold ☐ Being rented ☐ Unknown

6. Describe in your own words what happened. Use the space for a brief and concise statement of the facts.

A release of the facts may be submitted on an OHS form.

Notes: HUD will have a copy of the complaint in the name of the person or organization against whom the complaint is made.

In 5/4/09 I was approved for Mortgage Refinance

Based on current income I was approved and the

Closing scheduled for June 17/09. In June 16/09 I was denied

the closing.

7. I declare under penalty of perjury that I have read this complaint and that it is true and correct.

Signature: Madeline E. TACOH Date: 06-18-09

Previous editions are obsolete

Page 1 of 3

Form HUD-900 (7/7/07)

U.S. Department of Housing and Urban Development

Best Time to Call: Afternoon

Daleeandra, Michele

From: consumers@attorneygeneral.gov
 Sent: Monday, June 29, 2009 8:42 PM
 To: BCP Admin
 Subject: BCP Online Complaint Form submission for: mjacobhouse@aol.com

RECEIVED
 JUN 30 2009

Bureau of Consumer Protection - Online Complaint Form submission

Your age group:

45-59

Name:.... Madelene Jacob
 Address:..
 City:....
 County:..
 State:..
 Zip:.....
 Home telephone number:....
 Daytime telephone number:..
 Email:.....

Business Complaint is Against: USAA Federal SavingsBank
 Indiv. whom you complained:.... Nancy Johnson
 Address:..... 10730 McDermott Freeway
 City:.... San Antonio
 County:..
 State:.... Texas
 Zip:..... 78288-0544
 Company telephone number:.... 800-531-8781
 Product or Service purchased: Mortgage Refinance
 Date of purchase:..... 05/06/09
 Purchase price:.. \$16000

Other Agencies you contacted: Dep. of Housing & Urban Development
 What action was taken:..... No response at all
 Have you retained an Attorney?.. No

Attorney's name, address and telephone number:
 Name:.....
 Address:..
 City:....
 County:..
 State:..
 Zip:.....
 Telephone number:..

Have you filed a Court Action?.. Yes
 WHEN:..... Pennsylvania
 WHERE:..... office of fair housing
 WHAT decision was made:.. no response at all

Descriptive events in the video in which they happened, refer to all contracts, letters, receipts, canceled checks, advertisements or other papers that will support your claim:

I was disappointed by USAA at first when I applied for refinancing. I searched for a different company and decided to refinance with Top Dot Mortgage, and I was approved. As I did contact the USAA trying to obtain a copy of the appraisal report to give it to the TOP DOT Mortgage, I was manipulated and convinced to speak to the USAA Mortgage counseling and I was offered a lower interest rate than TOP DOT. Based on initial interview and full discussion, I was pre approved. Based on tax return and current income and other documents, I was approved and two appraisals were hired to appraise the property at 717 Haws Ave. Norrisown PA 19401. A day before the closing date that was scheduled for June 17/09, and without prior notice, I told that my applican was declined. Because of the delay and misleading, I lost my chance with the TOP DOT Mortgage, and with all other companies. As I stocked with USAA Mortgage, I did contact them again seeking other alternative, asking to increase my credit line and to borrow only \$36000, but the USAA refused to give me fixed interest rate. I filed a discrimination claim with HUD, but no response. They hung up the phone, they never return my message. However, based on previous experience I'm not optimistic about HUD, they normally gave the complaints to the same person Ms. Jarven who at the end makes her decision without investigation stating that no discrimination found. If refinancing was designed to help people who lost their job or having financial hardship, why USAA declined my application and why they put me on hold until the closing date? If I was told from the beginning, I wouldn't loose my chance with the TOP DOT Mortgage, or with other companies who offered me lower interest rate at that time. They put me on hold, mislead me to loose my opportunity in getting lower interest rate at that time. Now I stocked with them and due high interest rate, I can't get any help.

What would you like the business to do to settle your complaint?

Approve my refinance application, or increase my credit line to \$36000 with fixed with the same interest rate at the time of my application. USAA should be punished for discrimination, misleading, and wasting my time. I lost my opportunity having lower interest rate with a different company because of the USAA conspiracy and misleading. As of today, 06/29/09, I did contact USAA and I offered almost 4% interest rate on \$40000. They responsible for loosing my chance getting lower interest rate.

EXHIBIT B

Chairperson
STEPHEN A. GLASSMAN
Vice Chairperson
RAQUEL O. YIENGST
Secretary
DANIEL D. YUN
Assistant Secretary
REV. DR. JAMES EARL GARMON, SR.
Executive Director
HOMER C. FLOYD
Regional Director
CARLENE M. NEAL



COMMONWEALTH OF PENNSYLVANIA
Human Relations Commission
Philadelphia Regional Office
110 North 8th Street, Suite 501
Philadelphia, PA 19107
(215) 560-2496 voice
(215) 560-3599 TTY
www.phrc.state.pa.us

Commissioners
ISMAEL ARCELAY
M. JOEL BOLSTEIN
J. WHYATT MONDESIRE
S. KWEILIN NASSAR
GERALD S. ROBINSON
SYLVIA A. WATERS
DANIEL L. WOODALL, JR.

April 29, 2010

Martin Bryce, Jr.
Ballard Spahr
1753 Market Street
Philadelphia PA 19103

RE: Madelene F. Jacob v USAA Federal Savings Bank
PHRC Case No. 200900936

Dear Mr. Bryce:

A review of the file in the above docketed charge indicates that the following data is needed to continue the investigation. Please provide by May 10, 2010.

- From January 2009 to present, any/all documents for individuals receiving conditional loan approval during this time frame. Please include age, national origin and source of income.
- Any/all documents for all individuals who received conditional loan approval and were denied during the same time frame. Please include reason for denial as well as age, national origin and source of income.
- Any/all documents of individuals who were conditionally approved for loans and subsequently approved for loans. Please include age, national origin and source of income.

Please note that in all of the above requests for data, actual documents are being requested. Please do not provide a list or summary.

If you have any questions, please call me at 215-965-7738.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald Moody", with a long horizontal line extending to the right.

Donald Moody
Human Relations representative

EXHIBIT C



1735 Market Street, 51st Floor
Philadelphia, PA 19103-7599
TEL 215.665.8500
FAX 215.864.8999
www.ballardspahr.com

Martin C. Bryce, Jr.
Direct: 215.864.8238
Fax: 215.864.8999
bryce@ballardspahr.com

May 28, 2010

By U.S. Mail and Hand Delivery

Mr. Donald Moody
Human Relations Commission
Philadelphia Regional Office
110 North 8th Street, Suite 501
Philadelphia, PA 19107

Re: Madelene F. Jacob v. USAA Federal Savings Bank
Case No. 200900936

Dear Mr. Moody:

Please allow this correspondence to serve as a response to your letters dated April 29, 2010 and May 19, 2010, requesting the production of any and all documents concerning persons who after January 2009 were conditionally approved, subsequently rejected or subsequently granted loans from USAA Federal Savings Bank ("USAA FSB").

BACKGROUND

In June 2009, Complainant Madelene Jacob filed a Pennsylvania Human Relations Commission ("PHRC") Complaint alleging, without specifically asserting the basis for the discrimination, that USAA FSB discriminated against her when USAA FSB denied a cash out refinancing loan on her investment property. In response to her Complaint, USAA FSB filed a Response and Position Statement ("Response") with the PHRC. USAA FSB's Response set forth the reasons why Ms. Jacob's unsubstantiated claims should be unequivocally rejected. These reasons are summarized as the following:

- 1) USAA FSB is a federally chartered savings bank regulated and supervised by the Office of Thrift Supervision ("OTS"), and as a result, it is not subject to any state agency supervision or action, including that of the PHRC.
- 2) Even if USAA FSB were subject to the supervision of the PHRC, USAA FSB did not discriminate against Ms. Jacob for any reason whatsoever, nor did it treat Ms. Jacob less favorably than any other USAA FSB customer. On the contrary, the facts demonstrate that USAA FSB treated Ms. Jacob fairly, objectively and equitably.

In support of its Response, USAA FSB produced the operative documents in Ms. Jacob's loan file

DMEAST #12246321 v1

Mr. Donald Moody
May 28, 2010
Page 2

and thereby demonstrated that Ms. Jacob was not discriminated against in any way. Rather, USAA FSB's Response and the supporting loan documentation demonstrated Ms. Jacob's loan was denied on the basis of USAA FSB's uniform underwriting guidelines. Specifically, Ms. Jacob did not have sufficient funds in reserve, and her Debt-to-Income ratio was simply too high.

REQUESTED DOCUMENTS

Despite having demonstrated that Ms. Jacob has attempted to manufacture frivolous accusations of discrimination from a perfectly legitimate interaction, the PHRC has now requested the following documents from USAA FSB:

- 1) From January 2009 to present, any/all documents for individuals receiving conditional loan approval during this time frame, including age, national origin and source of income information.
- 2) Any/all documents for all individuals who received conditional loan approval and were denied during the same time frame, including reason for denial and age, national origin and source of information.
- 3) Any/all documents of individuals who were conditionally approved for loans and subsequently approved for loans, including age, national origin and source of income information.

In effect, PHRC has requested the entire loan file for all loans concerning every such borrower from January 2009 to the present. This request may implicate a voluminous number of loans for the 2009 to present time period. Such a request is highly burdensome and simply not relevant to Ms. Jacob's claim of discrimination. In addition, under the circumstances, the PHRC's request is highly intrusive, as the requested loan files contain confidential and private information of USAA FSB's customers. Accordingly, we will not produce any of these documents at this time. We nevertheless remain willing to consider a less intrusive means of discovery narrowly limited to whether this matter should even continue to proceed against USAA FSB.

We look forward to hearing from you.

Very truly yours,



Martin C. Bryce, Jr.

MCB/gpa

EXHIBIT D

Chairperson
STEPHEN A. GLASSMAN
Vice Chairperson
RAQUEL O. YIENGST
Secretary
DANIEL D. YUN
Assistant Secretary
REV. DR. JAMES EARL GARMON, SR.
Executive Director
HOMER C. FLOYD
Regional Director
CARLENE M. NEAL



COMMONWEALTH OF PENNSYLVANIA
Human Relations Commission
Philadelphia Regional Office
110 North 8th Street, Suite 501
Philadelphia, PA 19107
(215) 560-2496 voice
(215) 560-3599 TTY
www.phrc.state.pa.us
August 12, 2010

Commissioners
ISMAEL ARCELAY
M. JOEL BOLSTEIN
J. WHYATT MONDESIRE
S. KWEILIN NASSAR
GERALD S. ROBINSON
SYLVIA A. WATERS
DANIEL L. WOODALL, JR.

Martin Bryce, Jr.
Ballard Spahr
1753 Market Street
Philadelphia PA 19103

RE: Madelene F. Jacob v USAA Federal Savings Bank
PHRC Case No. 200900936

Dear Martin Bryce, Jr.:

I am writing to issue a modified data and document request in lieu of a subpoena request. This modification is being issued in the hopes that this condensed request will enable the Respondent to comply without the use of Commission subpoena powers. Please provide the following data and document request on or before 8/23/2010:

- (1) A copy of any and/or all documents contained in the Complainant's entire loan file; and
- (2) A copy of any and/or all documents contained in the entire loan files of a random sampling of fifty (50) refinance loan applicants, during the time period from January 1, 2009 to December 31, 2009. Please limit your response to those loans issued in the same general geographical area as the Complainant.

Thank you in advance for your prompt response. If you should have any questions, I can be reached at (215) 965-7738.

Sincerely

A handwritten signature in cursive script that reads "Donald Moody".

Donald Moody
Human Relations Representative II

EXHIBIT E

Chairperson
STEPHEN A. GLASSMAN
Vice Chairperson
RAQUEL O. YIENGST
Secretary
DANIEL D. YUN
Assistant Secretary
REV. DR. JAMES EARL GARMON, SR.
Executive Director
HOMER C. FLOYD
Regional Director
CARLENE M. NEAL



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J. WHYATT MONDESIRE
S. KWEILIN NASSAR
GERALD S. ROBINSON
SYLVIA A. WATERS
DANIEL L. WOODALL, JR.

August 26, 2010

Martin Bryce, Jr.
Ballard Spahr
1753 Market Street
Philadelphia PA 19103

RE: Madelene F. Jacob v USAA Federal Savings Bank
Case No. 200900936

Dear Martin Bryce, Jr.:

To date, the data and documents requested in my letter dated August 12, 2010 (please see attached letter) have not been received. The items are deemed essential to this investigation.

The Pennsylvania Human Relations Act authorizes the Pennsylvania Human Relations Commission (PHRC) to use subpoena powers. Pennsylvania Courts have upheld the Commission's authority to issue a subpoena both to secure documents and testimony. Hopefully, in this particular investigation, the use of a subpoena will not be necessary.

If the items requested are not received on or before September 7, 2010, I will recommend that the Commission's legal staff initiate subpoena procedures to secure the data and documents.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald Moody".

Donald Moody
Human Relations Representative
(215)965-7738

EXHIBIT F

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA HUMAN RELATIONS COMMISSION
SUBPOENA**

**Madelene F. Jacob,
COMPLAINANT**

Versus

CASE NUMBER: 200900936

**USAA Federal Savings Bank,
RESPONDENT**

**TO: CUSTODIAN OF RECORDS
Martin Bryce, Jr.**

**ADDRESS: Ballard Spahr
1753 Market Street
Philadelphia, PA 19103**

Or Proper Custodian of Record

☒ **YOU ARE COMMANDED** to produce and permit inspection and copying the documents or objects listed in ATTACHMENT "A" hereto on or before December 14, 2010. In lieu of appearance the documents subpoenaed may be sent via First Class mail to the address below on or before the due date for production of the documents.

**PHRC Philadelphia Regional Office
110 North 8th Street, Suite 501
Philadelphia, PA 19107**

☐ **YOU ARE COMMANDED** to appear before the Pennsylvania Human Relations Commission at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

DATE AND TIME

☐ **YOU ARE COMMANDED** to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☐ **YOU ARE COMMANDED** to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

PENNSYLVANIA HUMAN RELATIONS COMMISSIONER:

BY:

Daniel L. Woodall, Jr.
DANIEL L. WOODALL, JR.

DATE:

10/18/10



**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA HUMAN RELATIONS COMMISSION**

**Madelene F. Jacob,
COMPLAINANT**

Versus

CASE NUMBER: 200900936

**USAA Federal Savings Bank,
RESPONDENT**

ATTACHMENT "A"

- 1. A copy of any and/ or all documents contained in the Complainant's entire loan file, including but not limited to all credit reports Respondent obtained for Complainant, all financial records Complainant submitted to Respondent and all requests for documentation Respondent sent to Complainant ; and**
- 2. A copy of any and/or all documents contained in the entire loan file for a random sampling of fifty (50) refinance loan applicants, during the time period from January 1, 2009 to December 31, 2009, limited to the same general geographical area as the Complainant, including but not limited to all credit reports Respondent obtained for each applicant, all financial records each applicant submitted to Respondent and all requests for documentation Respondent sent to each applicant.**