



not have been discovered in time to move for a new trial under Rule 59(b) (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation or misconduct by an opposing party; (6) any other reason that justifies relief.

1) Plaintiff's former attorney, Rex L. Fuller, filed a motion for leave to withdraw appearance (paper no. 15) stating for medical reasons and to reduce stress he needed to withdraw from Plaintiff's cases and all litigation in a timely manner. Plaintiff submits a letter sent to Plaintiff by Mr. Fuller after his withdraw off of her case (Exhibit A is attached to motion to seal). He misrepresented to the court that he had to discontinue litigation and he did not. When Mr. Fuller withdrew from Plaintiff's cases, it left her in a terrible position. The reasons he stated to the court are different than the reasons he stated to Plaintiff for withdrawing. He basically told her, as he did her next attorney Mr. John Singleton that he was withdrawing because Plaintiff would not settle (when Mr. Fuller filed his motion to withdraw, and Plaintiff opposed it, she views him as an opposing party). Plaintiff has a letter if the Court needs to review, whereby, Mr. John Singleton wrote a letter to Plaintiff that Mr. Fuller told him he withdrew because he was stressed Plaintiff would not settle after all his hard work.

(2) Mr. John Singleton took over Plaintiff's case in July of 2007. Mr. Singleton told Plaintiff that the current counsel, Elena Marcus, needs "to win

this case at any cost” due to reasons that were told to him by either Ms. Marcus or her boss. Plaintiff will state for this court what was told to her “in camera” if need be. Mr. Singleton went into some other details as well. Plaintiff was in the conference room of Mr. Singleton’s firm and started walking to the private office to ask a question. Plaintiff heard Singleton on the phone “Oh, we’ll get her to settle, we just need to push her.” He thought Plaintiff had left his office to go home. Plaintiff asked him why he would tell the bank’s attorney such a thing. Mr. Singleton was speechless.

Mr. Singleton’s future actions would prove that is exactly what they tried to do. He did not keep Plaintiff informed of any of her cases. Bank of America, through counsel, ending up filing a summary judgment on this case and Mr. Singleton never responded to it. He also threatened Plaintiff that if she did not settle she would be representing herself on appeal on all of her cases. Mr. Singleton then filed a motion to withdraw in March of 2008.

Since that time, Plaintiff has not been able to get a hold of a primary witness in all three of her cases. This witness also opted in to her overtime claim. She believes that counsel for Bank of America has interfered with her witnesses, which Plaintiff believes is obstruction of justice. Plaintiff’s newest attorney, Mr. Morris Fischer told Plaintiff that it happens all the time for people to pay off witnesses and that it is legal. Plaintiff responded “are

you kidding me.” Plaintiff finds these tactics are impeding with her attempts to seek justice. As a matter of fact, her attorneys as well have impeded in her attempt to seek justice.

3) On December 31, 2007, Bank of America, through counsel, made misrepresentations to this court. A **Joint Status Report** was filed stating Discovery was complete. (paper no. 34). Both counsel for Bank of America and Plaintiff’s counsel knew discovery was not complete. Plaintiff never received the discovery she asked for which would have assisted her in replying to the Motion for Summary Judgment. She would have had the proof she needed, whereby the case may not have been dismissed.

Elena Marcus, counsel for Bank of America, also misrepresented to this court at the Summary Judgment hearing on August 13, 2008 that Plaintiff failed to show up for her third deposition, putting Plaintiff in a bad light to the Court. Ms. Marcus even filed for sanctions on Plaintiff when she knew it was Plaintiff’s counsel that said he would not attend. Plaintiff never received notice of the third deposition as her then counsel, Mr. Singleton never sent her notice. He told her over the phone a couple of days prior that one was scheduled; however he was not able to attend so it would be rescheduled.

4) Plaintiff would like to present evidence to this court, as the

Honorable Judge Messitte is under the impression that just a few customers were being “unfairly treated”. (Exhibit B is attached to motion to seal).

Plaintiff stated numerous times it is a nationwide problem. Had she had a chance at discovery, the Honorable Judge Messitte would have been able to make a more informed decision and seen that not only customers are being defrauded; it does affect shareholders as well. Plaintiff did not take the numerous files she had with all of the customers accounts changed without their knowledge when she was terminated. She sought to get information through discovery, which never happened.

Plaintiff is providing some information from different customers from around the U.S. which she found online to show this court that it is a serious problem that needs addressing and not just a few customers in her banking center that this happened to. In her own deposition, which Your Honor read at the Summary Judgment hearing, Plaintiff quoted a former employee that told the Plaintiff “not to waste your time on it,” that they’d have to get rid of 90 percent of the bank to stop it.

Plaintiff, Torina Collis, would request of the Honorable Judge Peter Messitte to review the information presented and give appropriate relief where do. This may mean a new Summary Judgment hearing, considering, Plaintiff has had to fight obstacles with not only the defendant, but, her own

attorneys in getting any evidence before the Honorable Judge Messitte to defeat a Summary Judgment.

Plaintiff would also ask that the Defendant's firm, McGuire Woods be sanctioned in some way along with all attorneys involved for impeding in Plaintiff's attempts to seek justice.

Respectfully Submitted,

Torina Collis  
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CERTIFICATE OF SERVICE

I, Torina Ann Collis, certify that on this 25<sup>th</sup> day of February 2009, I caused a copy of the foregoing to be mailed first class postage addressed to:

Elena D. Marcuss-Counsel for Defendants  
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