

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA WESTERN DIVISION**

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<b>BILLIE RENE' FRANCIS LILLIAN POWERS</b>		
<b>PLAINTIFF, pro se</b>		
<b>vs.</b>		
<b>BANK OF AMERICA, N.A.; THE BANK OF NEW YORK</b>		<b>CIVIL ACTION NO.</b>
<b>MELLON F/K/A THE BANK OF NEW YORK,</b>		<b>8:17-01386-DOC-KES</b>
<b>AS TRUSTEE, FOR THE CERTIFICATE HOLDERS OF</b>		
<b>CWALT, INC. ALTERNATIVE LOAN TRUST 2007-HY9</b>		
<b>MORTGAGE PASS THROUGH CERTIFICATES,</b>		
<b>SERIES 2007-HY9, AND ROGER LEE DELONG,</b>		
<b>DEFENDANTS</b>		

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**Demand for Trial by Jury**

Judge David Carter-

In accord with Rule 38, I am demanding a trial by jury.

Since the recent and ongoing financial crisis in this country (Wall Street and the Financial Crisis, Anatomy of a Financial Collapse, Majority and Minority Staff Report, Permanent Subcommittee on Investigations, Committee on Homeland Security and Governmental Affairs, Carl Levin, Chairman and Tom Coburn, Ranking Minority Member), the Financial Institutions Reform, Recovery, and Enforcement act of 1989 (FIRREA) has been passed by the legislature (still being widely litigated) to define and confirm the ethical bedrock foundations of proper financial institution operations to the benefit of our community. The Consumer Financial Protection Board has been established specifically by the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 to address, and the Department of Justice appears to have expended great effort in examining and regulating, mortgage servicing industry practice, company by company. The most egregious violators in the arena ((BoFA (in this action), Chase, Citi, Greentree, Ocwen, Wells, DeutschBank (in this action), Credit Suisse, RBS, GMAC/Ally)) have already begun to appear in courts to register consent judgments with the united group of 49 State Attorneys General ((including California (excluding Oklahoma)), and to disgorge record setting penalties in restitution of past practices, and to submit themselves and their changing practices to regulatory oversight by Joseph A. Smith, The Office of Mortgage Settlement

Oversight (Joseph A. Smith does not participate in litigation). We are now considering just such industry practices in the case of the plaintiff and these two defendants. A jury has never been empaneled before to openly consider and judge these issues, or their most proper and effective remediation. Now is the time.

#### BLACKSTONE'S COMMENTARIES - The Jury

“Great as this eulogium may seem, it is no more than the admirable constitution, when traced to its principles, will be found in sober reason to deserve. The impartial administration of justice, which secures both our persons and our properties, is the great end of civil society. But if that be entirely trusted to the magistracy, a select body of men, and those generally selected by the prince or such as enjoy the highest offices in the state, their decisions, in spite of their own natural integrity, will have frequently an involuntary bias towards those of their own rank and dignity: it is not to be expected from human nature, that the few should always be attentive to the interests and good of the many. On the other hand, if the power of judicature were placed at random in the hands of the multitude, their decisions would be wild and capricious, and a new rule of action would be every day established in our courts. It is wisely therefore ordered, that the principles and axioms of law, flowing from abstracted reason, and not accommodated to times or to men, should be deposited in the breasts of the judges, to be occasionally applied to such facts as come properly ascertained before them. For here partiality can have little scope: the law is well known, and is the same for all ranks and degrees; it follows as a regular conclusion from the premises of fact pre-established. But in settling and adjusting a question of fact, when entrusted to any single magistrate, partiality and injustice have an ample field to range in; either by boldly asserting that to be proved which is not so, or more artfully oppressing some

circumstances, stretching and warping others, and distinguishing away the remainder. Here therefore a competent number of sensible and upright jurymen, chosen by lot from among those of the middle rank, will be found the best investigators of truth, and the surest guardians of public justice. For the most powerful individual in the state will be cautious of committing any flagrant invasion of another's right, when he knows that the fact of his oppression must be examined and decided by twelve indifferent men, not appointed until the hour of trial; and that when once that fact is ascertained, the law must of course redress it. This therefore preserves in the hands of the people that share which they ought to have in the administration of public justice, and prevents the encroachments of the more powerful and wealthy citizens. Every new tribunal, erected for the decision of facts, without the intervention of a jury (whether composed of justices of the peace, commissioners of the revenue, judges of a court of conscience, or any other standing magistrates), is a step towards establishing aristocracy, the most oppressive of absolute governments.”

-Blackstone's Commentaries on the Laws of England, 20 Book 3, Chapter 23

Respectfully,

Date: 2 January 2018

/s/ Billie Rene' Francis Lillian Powers, pro se

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Case Number: 8:17-cv-01386-OC-KES

[PROPOSED] ORDER GRANTING

Trial by Jury

DATE:

TIME:

COURTROOM:

JUDGE: DAVID CARTER

The Court has considered the Motion for Trial by Jury.

Finding that good cause exists, the Motion is GRANTED / DENIED.

MAKE IT SO.

DATED:

United States District/Magistrate Judge

**SERVICE**

I have served this Demand for Trial by Jury

For Bank of America

For BONYM

For Roger Delong

By e-mail

By US Mail

Date: 2 January 2018

/s/ Billie Rene' Francis Lillian Powers, pro se

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