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14 **UNITED STATES DISTRICT COURT**
 15 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
 16 **WESTERN DIVISION**

17
 18 SECURITIES AND EXCHANGE
 COMMISSION,
 19 Plaintiff,
 20 v.
 21 MICHAEL W. PERRY and A.
 22 SCOTT KEYS,
 23 Defendants.

Case No. CV-11-1309 R JC(x)

**DECLARATION OF JASON A.
 LEVINE IN SUPPORT OF
 SUPPLEMENTAL BRIEF
 REGARDING DEFENDANT
 MICHAEL W. PERRY'S
 MOTION FOR PARTIAL
 SUMMARY JUDGMENT**

Date: September 10, 2012
 Time: 10:00 a.m.
 Judge: Honorable Manuel L. Real
 Courtroom: No. 8

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I, Jason A. Levine, declare as follows:

1. I am an attorney at the law firm of Covington & Burling LLP and represent defendant Michael W. Perry in the above-captioned matter. The facts set forth herein are based on my personal knowledge and if called as a witness I could competently testify thereto.

2. Attached hereto as **Exhibit 1** is a true and correct copy of IndyMac Bank, Inc.’s amended Thrift Financial Report for the first quarter of 2008, dated May 12, 2008. Relevant portions are highlighted.

Pursuant to 28 U.S.C. § 1746 and under penalty of perjury under the laws of the United States of America, I affirm that the foregoing facts are true and correct to the best of my knowledge and belief.

Executed this 22nd day of August 2012 in Washington, District of Columbia.

/s/ Jason A. Levine
Jason A. Levine