

FILED

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MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SEVERINO RIVAC and WARLITA
RIVAC,

Plaintiffs-Appellants,

v.

NDEX WEST, LLC; et al.,

Defendants-Appellees.

No. 14-15194

D.C. No. 4:13-cv-01417-PJH

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Phyllis J. Hamilton, Chief Judge, Presiding

Submitted October 6, 2016**
San Francisco, California

Before: THOMAS, Chief Judge, and SCHROEDER and NGUYEN, Circuit
Judges.

Severino and Warlita Rivac appeal the dismissal of their action. The district
court issued its decision prior to the California Supreme Court's decision in

* This disposition is not appropriate for publication and is not precedent
except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision
without oral argument. *See* Fed. R. App. P. 34(a)(2).

Yvanova v. New Century Mortgage Corp., 365 P.3d 845 (Cal. 2016), which held that a borrower had standing to bring a wrongful foreclosure action against the foreclosing party on the grounds that the assignment of the promissory note and deed of trust to the foreclosing party was void. In view of this subsequent California authority, we remand to the district court to reconsider its holding in light of *Yvanova*. We express no opinion as to the outcome of that inquiry.

REMANDED.