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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV11-03609-AHM (CWx)	Date	November 5, 2012
Title	DAVID ALLEN et al. v. JP MORGAN CHASE BANK NA, et al.		

Present: The Honorable	A. HOWARD MATZ, U.S. DISTRICT JUDGE
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Stephen Montes	Katie Thibodeaux	
Deputy Clerk	Court Reporter / Recorder	Tape No.

Attorneys Present for Plaintiffs:

David Allen, *pro se*

Attorneys Present for Defendants:

John M. Sorich
LaShon Harris

Proceedings:

MOTION for Partial Summary Judgment filed by Defendant, California Reconveyance Company, Chase Home Finance LLC, JP Morgan Chase Bank NA, Washington Mutual Bank FA [64] (non-evidentiary)

Defendants JPMorgan Chase Bank, N.A. (“Chase”) and California Reconveyance Company (collectively, “Defendants”) bring this motion for partial summary adjudication against Plaintiffs David Allen (“Allen”), Kelly Lamar, John David Allen, and the Estate of Jamie Lamar Allen, *pro se*.¹ After questioning counsel and hearing oral argument, for the reasons stated on the record and as discussed below, the Court GRANTS in part and DENIES in part Defendants’ motion.

Additionally, the Court ORDERS the parties to proceed to the Court’s Pilot Program for Loan Modification Mediation. Further order to issue. The Court intends to stay the case while the parties are in mediation.

I. DEFENDANTS’ MOTION FOR PARTIAL SUMMARY JUDGMENT

The Court GRANTS the motion on all claims as to all plaintiffs other than David Allen. The three additional plaintiffs were not borrowers under the promissory note or parties to the Trial Period Plan—and they admitted as much in their responses to Defendants’ requests for admission. Those three plaintiffs therefore lack standing to pursue breach of contract, promissory estoppel, and fraud claims arising from the subject loan. *See* Cal. Civ. Code § 1550 (listing the elements essential to a contract, including “parties capable of contracting” and “their consent”); Cal. Civ. Code § 1558 (“It is

¹ Dkt. 64. Defendants label their motion as one for “partial summary judgment.”

