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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

IVAN CORONADO and TAMMI
CORONADO,

Case No. 1:15-CV-01844-MCE-SKO

ORDER

Plaintiffs,

v.

NATIONAL DEFAULT SERVICING
CORPORATION, SELECT PORTFOLIO
SERVICING INC., MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC., WELLS FARGO BANK, N.A.,
successor by merger to Wells Fargo Bank
Minnesota, N.A., f/k/a Northwest Bank
Minnesota, N.A., solely as trustee for
Structured Asset Mortgage Investment II Inc.,
Bear Stearns Mortgage Funding Trust 2006-
AR4, Mortgage Pass-Through Certificates,
Series 2006-AR4,

Defendants.

By its order entered on December 2, 2016 (the “Order”), the Court directed Plaintiffs to respond to certain discovery requests propounded by Defendant Select Portfolio Servicing, Inc., denied a motion for terminating sanctions without prejudice as to Defendant Select Portfolio Servicing, Inc., denied a motion for terminating sanctions *with* prejudice as to the remaining Defendants—National Default Servicing Corporation, Mortgage Electronic Registration Systems,

1 Inc., and Wells Fargo Bank, N.A., as successor (the “Remaining Defendants”)—and ordered that
2 the Court would hold a hearing regarding the status of this matter on December 21, 2016 (the
3 “Hearing”). (Doc. 26.) Plaintiffs subsequently failed to appear at the Hearing.

4 During the Hearing, Defendants indicated that they would file an additional motion for
5 terminating sanctions. As noted by the Court during the Hearing, Defendant Select Portfolio
6 Servicing, Inc. must file a separate motion for terminating sanctions if it requests that the Court
7 consider this sanction. Additionally, if the Remaining Defendants request that the Court again
8 consider a terminating sanction, they must file both (1) an additional motion for terminating
9 sanctions; *and* (2) a motion requesting that the Court reconsider its denial with prejudice of the
10 previous motion for terminating sanctions filed by the Remaining Defendants. The Remaining
11 Defendants may file these motions separately, or as part of a single motion filed by all Defendants.

12 The Court CAUTIONS the Remaining Defendants that it will only reconsider its prior
13 denial of the motion for terminating sanctions with prejudice as to the Remaining Defendants if
14 the Remaining Defendants provide sufficient on-point authority demonstrating that such
15 reconsideration is warranted, i.e. terminating sanctions are appropriate under the circumstances of
16 this case specifically as to the Remaining Defendants.

17 Further, as the Court stated during the Hearing, the Court DIRECTS Defendants to file
18 their motions for terminating sanctions and reconsideration of the Court’s prior Order by no later
19 than January 3, 2017. The Court also ORDERS that Plaintiffs may file an opposition brief to these
20 motions by January 17, 2017, and Defendants may file their reply brief in support of these motions
21 by January 24, 2017. Once the briefing regarding these motions is complete, the Court shall set a
22 hearing regarding these motions on an expedited basis.

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24 IT IS SO ORDERED.

25 Dated: December 21, 2016

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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