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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DEBORAH BAREFIELD, as  
Administrator of the Estate of Thomas  
W. Hatch,

Plaintiff,

v.

HSBC HOLDINGS, PLC; CALIBER  
HOME LOANS, INC.; SUMMIT  
PROPERTY MANAGEMENT, INC.,  
a California Corporation, DOES 1-20,  
inclusive,

Defendants.

Case No. 1:18-cv-00527-LJO-JLT

**ORDER EXPUNGING NOTICE OF  
PENDENCY OF ACTION**

Judge: Hon. Lawrence J. O’Neill  
Dept.: 4

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 The Motion to Expunge Notice of Pendency of Action or Require a Bond  
3 brought by defendants CALIBER HOME LOANS, INC. and  
4 SUMMIT MANAGEMENT COMPANY, LLC (erroneously also sued as  
5 Summit Property Management, Inc.), collectively “Defendants,” was decided by  
6 Hon. Lawrence J. O’Neill, in Courtroom 4 of the above-entitled Court, on  
7 October 31, 2018 (Docket No. 44).<sup>1</sup> The Court, having fully considered all relevant  
8 documents, authorities, evidence, and arguments presented by Plaintiff and  
9 Defendants, by and through their respective attorneys, and good cause having been  
10 shown, states as follows:

11 **IT IS HEREBY ORDERED** that:

12 The Notice of Pendency of Action recorded on April 5, 2018, in the Official  
13 Records of the Kern County Recorder as Document No. 218040519 (pertaining to  
14 real property located at 11301 Darlington Avenue, Bakersfield, California 93312) is  
15 hereby EXPUNGED.

16 **IT IS FURTHER ORDERED** that:

17 This Order shall be recorded in the in the Official Records of the Kern County  
18 Recorder.

19 IT IS SO ORDERED.

20 Dated: November 28, 2018

21 /s/ Lawrence J. O’Neill  
22 UNITED STATES CHIEF DISTRICT JUDGE

23 \_\_\_\_\_  
24 <sup>1</sup> Plaintiff has since filed a notice of appeal of that decision, which does not alter the  
25 propriety of expunging the lis pendens. California law provides that “on a motion to expunge a  
26 lis pendens after judgment against the claimant and while an appeal is pending, the trial court  
27 must grant the motion unless it finds it more likely than not that the appellate court will reverse  
28 the judgment.” *Amalgamated Bank v. Superior Court*, 149 Cal. App. 4th 1003, 1015 (2007); *see*  
*also Masson v. Selene Fin. LP*, 2013 WL 4427116 (N.D. Cal. Aug. 15, 2013) (citing  
*Amalgamated Bank*); *Mix v. Superior Court*, 124 Cal. App. 4th 987, 997 n.8 (2004) (explaining  
that “it would completely circumvent the Legislature’s intent in enacting section 405.32, [if]  
merely filing an appeal, no matter how meritless, would automatically keep the lis pendens in  
place”).