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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION**

BANK OF AMERICA, N.A., as successor by merger to La Salle Bank National Association, as trustee for the Merrill Lynch First Franklin Mortgage Loan Trust, Mortgage Loan Asset-Backed Certificates, Series 2007-H-1 and as trustee for the Merrill Lynch First Franklin Mortgage Loan Trust, Series 2007-A Mortgage Loan Asset-Backed Certificates,

Plaintiff,

v.

NIKOLAY YAKIMENKO, an individual, JANETA ASLANYAN, an individual, FIRST AMERICAN TITLE INSURANCE CO., a California corporation, GMAC MORTGAGE, LLC, a Delaware corporation, and DOES 1 through 200, inclusive,

Defendants

Case No.: 2:09-cv-02865 MCE AC

ORDER DISMISSING DEFENDANTS WITH PREJUDICE PURSUANT TO STIPULATION

Current Dates:

Trial Date: January 12, 2015

Pre-Trial Conference: November 13, 2014

The Court, having considered the stipulation (ECF No. 70) by and between BANK OF AMERICA, N.A., as successor by merger to La Salle Bank National Association, as trustee for the Merrill Lynch First Franklin Mortgage Loan Trust, Mortgage Loan Asset-Backed Certificates, Series 2007-H-1 and as trustee for the Merrill Lynch First Franklin Mortgage Loan Trust, Series 2007-A Mortgage Loan Asset-Backed Certificates (“Plaintiff”), GMAC MORTGAGE, LLC, through its successor in interest, Christiana Trust, a division of Wilmington Savings Fund Society, FSB as



1 trustee for Knoxville 2012 Trust (“Christiana Trust”) and defendant FIRST AMERICAN TITLE
2 INSURANCE COMPANY (“FATIC”) (Christiana Trust and FATIC collectively referred to as
3 “Appearing Defendants”), hereby **ORDERS** as follows:


4 (1) Defendant GMAC MORTGAGE, LLC, through its successor in interest, Christiana
5 Trust, a division of Wilmington Savings Fund Society, FSB as trustee for Knoxville 2012 Trust
6 (“Christiana Trust”) is **DISMISSED** from this action with prejudice;

7 (2) Defendant FIRSTAMERICAN TITLE INSURANCE COMPANY (“FATIC”) is
8 **DISMISSED** from this action with prejudice; and

9 (3) Not later than ten (10) days after the date this Order is filed electronically OR by
10 November 5, 2014 (whichever is sooner), Plaintiff and all remaining Defendants, if any, are
11 **ORDERED** to file a Joint Status Report setting forth: (1) what claims, if any, remain to be
12 adjudicated; (2) what defendants, if any, remain; and (3) whether, given the dismissal of Christiana
13 Trust and FATIC from this action, the Court may vacate the November 12, 2014, Final Pretrial
14 Conference and the January 12, 2015, Bench Trial and close this case. If it is the parties’ contention
15 that the Court may vacate the January 12, 2015, Bench Trial and close this case, not later than ten
16 (10) days after the date this Order is filed electronically OR by November 5, 2014 (whichever is
17 sooner), Plaintiff and all remaining Defendants, if any, are **ORDERED** to submit a stipulation and
18 proposed order (see Local Rule 137) requesting that the Court dismiss this entire action, vacate the
19 January 12, 2015, Bench Trial, and close this case. Failure to submit the required Joint Status
20 Report may result, without further notice to the parties, in monetary sanctions on counsel and the
21 dismissal of this action with prejudice for noncompliance with this Order and/or for failure to
22 prosecute pursuant to this Court's inherent authority to control its docket, and/or Federal Rule of
23 Civil Procedure 41(b).

24 IT IS SO ORDERED.

25 Dated: October 28, 2014

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28 MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT