

STATE COURT DOCKET SHEET ATTACHED TO
REMOVAL PETITION

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Case Report **Case Search****Case Summary****Case Information****Case Number:** 39-2010-00243243-CU-OR-STK**Case Title:** Frank Nguyen vs. Home 123 Corporation**Case Category:** Civil - Unlimited**Case Type:** Other Real Property**Judicial Officer:** Holly, Carter**Filing Date:** 6/14/2010**Case Status:** Pending**Location:** Stockton**Participants**

Name	Filing Document	Role	Attorney	Filed By
Deutsche Bank National Trust Company as trustee under pooling and servicing agreement dated as of 4/1/06 Morgan Stanley ABS Capital 1 Inc Trust 2006-NC-3 Mortgage Pass through certificates series 2006 NC3	Complaint	Defendant		Nguyen, Frank; Magalit, Cheerie
Home 123 Corporation	Complaint	Defendant		Nguyen, Frank; Magalit, Cheerie
Homeq TD Services Company	Complaint	Defendant		Nguyen, Frank; Magalit, Cheerie
Magalit, Cheerie	Complaint	Plaintiff	Cabbiness, Peter	Nguyen, Frank; Magalit, Cheerie
Nguyen, Frank	Complaint	Plaintiff	Cabbiness, Peter	Nguyen, Frank; Magalit, Cheerie

Pending Hearings

Event Description	Event Type	Event Date	Event Time	Location	Department
	CMC: Further Case Management Conference	4/26/2011	8:45 AM	Stockton	42

Additional Recent Events exist on the case. Please see the [Case Calendar Events](#) screen.Past Events**

No results found

Register of Actions

ROA #	Entry
1	Complaint filed by Nguyen, Frank; Magalit, Cheerie T on 06/14/2010. Filed by: Nguyen, Frank(Plaintiff); Magalit, Cheerie(Plaintiff)

EXHIBIT B
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	Refers to:Home 123 Corporation(Defendant); Deutsche Bank National Trust Company as trustee under pooling and servicing agreement dated as of 4/1/06 Morgan Stanley ABS Capital 1 Inc Trust 2006-NC-3 Mortgage Pass through certificates series 2006 NC3(Defendant); Homeq TD Services Company(Defendant)
2	Civil Case Cover Sheet filed by Nguyen, Frank; Magalit, Cheerie T on 06/14/2010.
3	Original Summons filed by Nguyen, Frank; Magalit, Cheerie T on 06/14/2010.
4	Case assigned to Judicial Officer Holly, Carter.
5	Case Management Conference - scheduled for 11/12/2010 at 08:45:00 AM in 42 at Stockton
6	Ex Parte Application - Other (for temporary restraining order and order to show cause re preliminary injunction and request for waiver of bond) filed by Nguyen, Frank; Magalit, Cheerie T on 06/23/2010.
7	Declaration - Other (of Cheerie T Magalit in support of her application for restraining order) filed by Nguyen, Frank; Magalit, Cheerie T on 06/23/2010.
8	Declaration - Other (of Frank Nguyen in support of his application for restraining order) filed by Nguyen, Frank; Magalit, Cheerie T on 06/23/2010.
9	Memorandum of Points and Authorities (in support of temporary restraining order and order to show cause re preliminary injunction and request for waiver of bond) filed by Nguyen, Frank; Magalit, Cheerie T on 06/23/2010.
10	Notice of Hearing (Certification of Pedro Zarate re notice of ex parte hearing on order to show cause re preliminary injunction) filed by Nguyen, Frank; Magalit, Cheerie T on 06/23/2010.
11	Ex Parte - PLTF Ex Parte for OSC for Protective Order to prevent sale of property and restore physical possession of property scheduled for 06/24/2010 at 09:15:00 AM in 42 at Stockton.
12	Proof of Service of 30-Day Summons & Complaint - FAX filed by Nguyen, Frank; Magalit, Cheerie T on 06/23/2010.
13	Minutes finalized for Ex Parte heard 06/24/2010 09:15:00 AM.
14	CMC: Further Case Management Conference - scheduled for 01/28/2011 at 08:45:00 AM in 42 at Stockton
15	CMC: Further Case Management Conference is scheduled for 01/28/2011 at 08:45 AM in Department 42.
16	Minutes finalized for Case Management Conference heard 11/12/2010 08:45:00 AM.
17	Minute Order generated.
18	CMC: Further Case Management Conference - scheduled for 04/26/2011 at 08:45:00 AM in 42 at Stockton
19	CMC: Further Case Management Conference is scheduled for 04/26/2011 at 08:45 AM in Department 42.
20	Minutes finalized for CMC: Further Case Management Conference heard 01/28/2011 08:45:00 AM.

EXHIBIT B
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INFORMATION ON STATE COURT WEBSITE
INDEPENDENTLY REVIEWED BY THIS FEDERAL
COURT

Case Report

 **Case Search**

Case Summary

Case Information

Case Number: 39-2010-00243243-CU-OR-STK
Case Title: Frank Nguyen vs. Home 123 Corporation
Case Category: Civil - Unlimited
Case Type: Other Real Property
Judicial Officer: Lofthus, Linda
Filing Date: 6/14/2010
Case Status: Pending
Location: Stockton

Participants

Case No.	Case Name	Filing Document	Role	Attorney	Case No.
	Deutsche Bank National Trust Company as trustee under pooling and servicing agreement dated as of 4/1/06 Morgan Stanley ABS Capital 1 Inc Trust 2006-NC-3 Mortgage Pass through certificates series 2006 NC3	Complaint	Defendant		Nguyen, Frank; Magalit, Cheerie
	Home 123 Corporation	Complaint	Defendant		Nguyen, Frank; Magalit, Cheerie
	Homeq TD Services Company	Complaint	Defendant		Nguyen, Frank; Magalit, Cheerie
	Magalit, Cheerie	Complaint	Plaintiff	Cabbiness, Peter	Nguyen, Frank; Magalit, Cheerie
	Nguyen, Frank	Complaint	Plaintiff	Cabbiness, Peter	Nguyen, Frank; Magalit, Cheerie

Pending Hearings

Event No.	Event Name	Date	Time	Location
	CMC: Further Case Management Conference	8/4/2011	8:30 AM	Stockton 33

**Additional Recent Events exist on the case. Please see the [Case Calendar Events](#) screen.

Past Events

No results found

Register of Actions

1	Complaint filed by Nguyen, Frank; Magalit, Cheerie T on 06/14/2010. Filed by: Nguyen, Frank(Plaintiff); Magalit, Cheerie(Plaintiff) Refers to: Home 123 Corporation(Defendant); Deutsche Bank National Trust Company as trustee under pooling
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and servicing agreement dated as of 4/1/06 Morgan Stanley ABS Capital 1 Inc Trust 2006-NC-3 Mortgage Pass through certificates series 2006 NC3(Defendant); Homeq TD Services Company(Defendant)

2 Civil Case Cover Sheet filed by Nguyen, Frank; Magalit, Cheerie T on 06/14/2010.

3 Original Summons filed by Nguyen, Frank; Magalit, Cheerie T on 06/14/2010.

4 Case assigned to Judicial Officer Holly, Carter.

5 Case Management Conference - scheduled for 11/12/2010 at 08:45:00 AM in 42 at Stockton

6 Ex Parte Application - Other (for temporary restraining order and order to show cause re preliminary injunction and request for waiver of bond) filed by Nguyen, Frank; Magalit, Cheerie T on 06/23/2010.

7 Declaration - Other (of Cheerie T Magalit in support of her application for restraining order) filed by Nguyen, Frank; Magalit, Cheerie T on 06/23/2010.

8 Declaration - Other (of Frank Nguyen in support of his application for restraining order) filed by Nguyen, Frank; Magalit, Cheerie T on 06/23/2010.

9 Memorandum of Points and Authorities (in support of temporary restraining order and order to show cause re preliminary injunction and request for waiver of bond) filed by Nguyen, Frank; Magalit, Cheerie T on 06/23/2010.

10 Notice of Hearing (Certification of Pedro Zarate re notice of ex parte hearing on order to show cause re preliminary injunction) filed by Nguyen, Frank; Magalit, Cheerie T on 06/23/2010.

11 Ex Parte - PLTF Ex Parte for OSC for Protective Order to prevent sale of property and restore physical possession of property scheduled for 06/24/2010 at 09:15:00 AM in 42 at Stockton.

12 Proof of Service of 30-Day Summons & Complaint - FAX filed by Nguyen, Frank; Magalit, Cheerie T on 06/23/2010.

13 Minutes finalized for Ex Parte heard 06/24/2010 09:15:00 AM.

14 CMC: Further Case Management Conference - scheduled for 01/28/2011 at 08:45:00 AM in 42 at Stockton

15 CMC: Further Case Management Conference is scheduled for 01/28/2011 at 08:45 AM in Department 42.

16 Minutes finalized for Case Management Conference heard 11/12/2010 08:45:00 AM.

17 Minute Order generated.

18 CMC: Further Case Management Conference - scheduled for 04/26/2011 at 08:45:00 AM in 42 at Stockton

19 CMC: Further Case Management Conference is scheduled for 04/26/2011 at 08:45 AM in Department 42.

20 Minutes finalized for CMC: Further Case Management Conference heard 01/28/2011 08:45:00 AM.

21 Notice of Removal to Federal Court filed by Deutsche Bank National Trust Company as trustee under pooling and servicing agreement dated as of 4/1/06 Morgan Stanley ABS Capital 1 Inc Trust 2006-NC-3 Mortgage Pass through certificates series 2006 NC3; Homeq TD Services Company on 04/22/2011.

22 CMC: Further Case Management Conference - scheduled for 08/04/2011 at 08:45:00 AM in 33 at Stockton

23 CMC: Further Case Management Conference is scheduled for 08/04/2011 at 08:45 AM in Department 33.

24 Minutes finalized for CMC: Further Case Management Conference heard 04/26/2011 08:45:00 AM.

25 Notice of Hearing San Joaquin generated.

26

Notice of Hearing San Joaquin generated.

FEDERAL COURT DOCKET SHEET

CIVIL

**U.S. District Court
Eastern District of California - Live System (Sacramento)
CIVIL DOCKET FOR CASE #: 2:11-cv-01070-GEB -KJN
Internal Use Only**

Date Filed	#	Docket Text
04/21/2011	● <u>1</u>	NOTICE of REMOVAL from San Joaquin County Superior Court (case # 39-2010-00243243-CU-OR-STK) by Deutsche Bank National Trust Company and Barclays Capital Real Estate, Inc.. (Attachments: # <u>1</u> Exhibits A - B, # <u>2</u> Civil Cover Sheet) (Scott, Denetta) Modified on 4/21/2011 (Marciel, M). (Entered: 04/21/2011)
04/21/2011	● <u>2</u>	CERTIFICATE of INTERESTED PARTIES by defendants. (Scott, Denetta) Modified on 4/21/2011 (Marciel, M). (Entered: 04/21/2011)
04/21/2011	●	(Court only) SUBMISSION of CREDIT CARD INFORMATION for Removal from State Court Filing Fee in the amount of \$350.00; Type of Credit Card: American Express Name as it appears on Credit Card: Eric D. Houser Contact Telephone Number: 949-679-1111 Street: 9970 Research Drive Zip code: 92618 Credit Card Number: xxxx-xxxx-xxxx-xxxx Expiration Date: xx/xx Security Code: xxx (Scott, Denetta) (Entered: 04/21/2011)
04/21/2011	● <u>3</u>	(Court only) PROCESS CREDIT CARD (Marciel, M) (Entered: 04/21/2011)
04/21/2011	●	RECEIPT number # CAE200035022 \$350.00 fbo defendants Deutsche Bank National Trust, et al by Eric D. Houser on 4/21/2011. (Marciel, M) (Entered: 04/21/2011)
04/21/2011	● <u>4</u>	CIVIL NEW CASE DOCUMENTS ISSUED; Initial Scheduling Conference set for 8/15/2011 at 09:00 AM in Courtroom 10 (GEB) before Judge Garland E. Burrell Jr.. (Attachments: # <u>1</u> Consent Form, # <u>2</u> VDRP Form) (Marciel, M) (Entered: 04/21/2011)
04/21/2011	● <u>5</u>	NOTICE of Order Setting Status (Pretrial Scheduling) Conference by Barclays Capital Real Estate, Inc., Deutsche Bank National Trust Company re <u>4</u> Civil New Case Documents for GEB. (Attachments: # <u>1</u> Exhibit A)(Scott, Denetta) (Entered: 04/21/2011)
04/21/2011	● <u>6</u>	CONSENT to JURISDICTION of US MAGISTRATE JUDGE by Barclays Capital Real Estate, Inc., Deutsche Bank National Trust Company. (Scott, Denetta) (Entered: 04/21/2011)

04/21/2011	● <u>7</u>	CLERK'S NOTICE: The electronic notifications of the filings in this case are undeliverable to Peter Cabbiness, counsel for plaintiffs. Therefore, the Clerk's Office looked at the website for the California State Bar and saw that Mr. Cabbiness is not eligible to practice law because of disciplinary action with actual suspension commencing on 1/9/2011. The court does not have plaintiffs' information for service of documents. (TEXT ONLY ENTRY) (Donati, J) Modified on 6/16/2011 (Donati, J). Modified on 6/16/2011 (Furstenau, S). (Entered: 04/21/2011)
04/22/2011	● <u>8</u>	CERTIFICATE of SERVICE by Barclays Capital Real Estate, Inc., Deutsche Bank National Trust Company re <u>5</u> Notice - Other, <u>6</u> Consent to Jurisdiction of US Magistrate Judge. (Scott, Denetta) (Entered: 04/22/2011)
04/28/2011	➔ ● <u>9</u>	MOTION to DISMISS COMPLAINT by Barclays Capital Real Estate, Inc. and Deutsche Bank National Trust Company. Motion Hearing set for 6/20/2011 at 9:00 AM in Courtroom 10 (GEB) before Judge Garland E. Burrell Jr.. (Scott, Denetta) Modified on 4/29/2011 (Marciel, M). (Entered: 04/28/2011)
04/28/2011	● <u>10</u>	REQUEST for JUDICIAL NOTICE by Barclays Capital Real Estate, Inc., Deutsche Bank National Trust Company in re <u>9</u> Motion to Dismiss. (Attachments: # <u>1</u> Declaration of Denetta EJ Scott, # <u>2</u> Exhibits 1-5, # <u>3</u> Certificate of Service)(Scott, Denetta) (Entered: 04/28/2011)
04/29/2011	● <u>11</u>	PROPOSED ORDER re <u>9</u> MOTION to DISMISS. (Scott, Denetta) (Entered: 04/29/2011)