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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER D. SCHNEIDER,

Plaintiff,

vs.

BANK OF AMERICA N.A., FHLMC LBAC  
173 a.k.a. FEDERAL HOME LOAN  
MORTGAGE CORPORATION (FREDDIE  
MAC), BAC HOME LOANS SERVICING  
LP, BALBOA INSURANCE CO, BANK OF  
AMERICA MORTGAGE, QUALITY LOAN  
SERVICE CORP, HOME RETENTION  
GROUP, DOES 2-40,

Defendants.

CASE NO. 2:11-CV-02953-JAM-EFB

The Hon. John A. Mendez

**AMENDED JUDGMENT**

1 IT IS HEREBY ORDERED, ADJUGED AND DECREED that judgment shall be and  
2 hereby is entered as follows on the claims alleged by of Christopher D. Schneider (“Plaintiff”) in  
3 the second amended complaint (Dkt. 91):

4 1. Against Plaintiff and in favor of Bank of America, N.A. (“BANA”) in accordance  
5 with the jury’s verdict entered May 20, 2016 (Dkt. 291) on Plaintiff’s claims against BANA under  
6 the Real Estate Settlement and Procedures Act (“RESPA”).

7 2 Against Plaintiff and in favor of BANA, Federal Home Loan Mortgage  
8 Corporation (“FHLMC”), and Balboa Insurance Company (“Balboa”) (collectively “Defendants”)  
9 in accordance with the Court’s May 20, 2016 ruling granting Defendants’ motion under F.R.C.P.  
10 50 (“Rule 50”) on Plaintiff’s claims against Defendants under California Business & Professions  
11 Code § 17200.

12 3. Against Plaintiff and in favor of BANA in accordance with the Court’s May 20,  
13 2016 ruling granting BANA’s Rule 50 motion on Plaintiff’s claims against BANA under the Truth  
14 In Lending Act (“TILA”).

15 4. Against Plaintiff and in favor of BANA in accordance with the Court’s May 19,  
16 2016 ruling granting BANA’s Rule 50 motion on Plaintiff’s claims against BANA under the  
17 California Rosenthal Fair Debt Collection Practices Act (“Rosenthal Act”).

18 5. Against Plaintiff and in favor of BANA in accordance with the Court’s May 19,  
19 2016 ruling granting BANA’s Rule 50 motion on Plaintiff’s claims against BANA under  
20 California Civil Code Section 2954.

21 6. Against Plaintiff and in favor of BANA in accordance with the Court’s May 19,  
22 2016 ruling granting BANA’s Rule 50 motion on Plaintiff’s claims against BANA for fraud.

23 7. Against Plaintiff and in favor of BANA in accordance with the Court’s May 19,  
24 2016 ruling granting BANA’s Rule 50 motion on Plaintiff’s claim against BANA for breach of  
25 contract.

26 8. Against Plaintiff and in favor of BANA and FHLMC in accordance with the  
27 Court’s May 19, 2016 ruling granting BANA’s and FHLMC’s Rule 50 motion on Plaintiff’s  
28 claims against these defendants for an accounting.

1           9.       Against Plaintiff and in favor of Defendants in accordance with the Court's May  
2 19, 2016 ruling granting Defendants' Rule 50 motion on Plaintiff's claims against Defendants for  
3 conversion.

4           10.       Against Plaintiff and in favor of Defendants in accordance with the Court's May  
5 19, 2016 ruling granting Defendants' Rule 50 motion on Plaintiff's claims against Defendants for  
6 wrongful foreclosure.

7           11.       Against Plaintiff and in favor of BANA in accordance with the Court's May 19,  
8 2016 ruling granting BANA's Rule 50 motion on Plaintiff's claims against BANA for breach of  
9 the implied covenant of good faith and fair dealing.

10          12.       Against Plaintiff and in favor of Balboa and FHLMC in accordance with the  
11 Court's May 21, 2014 order (Dkt. 132) and July 11, 2014 order (Dkt. 138) granting without leave  
12 to amend the motions by Balboa and FHLMC under Federal Rule of Civil Procedure 12(b)(6)  
13 ("Rule 12(b)(6)") to dismiss Plaintiff's claims against these defendants under RESPA.

14          13.       Against Plaintiff and in favor of FHLMC in accordance with the Court's July 11,  
15 2014 order (Dkt. 138) granting without leave to amend the motion by FHLMC under Rule  
16 12(b)(6) to dismiss Plaintiff's claims against this defendant under TILA.

17          14.       Against Plaintiff and in favor of FHLMC in accordance with the Court's July 11,  
18 2014 order (Dkt. 138) granting without leave to amend the motion by FHLMC under Rule  
19 12(b)(6) to dismiss Plaintiff's claims against this defendant under the Rosenthal Act and the Fair  
20 Debt Collection Practices Act ("FDCPA").

21          15.       Against Plaintiff and in favor of BANA in accordance with the Court's May 21,  
22 2014 order (Dkt. 132) granting without leave to amend the motion by BANA under Rule 12(b)(6)  
23 to dismiss Plaintiff's claims against BANA under the FDCPA.

24          16.       Against Plaintiff and in favor of Balboa and FHLMC in accordance with the  
25 Court's May 21, 2014 order (Dkt. 132) and July 11, 2014 order (Dkt. 138) granting without leave  
26 to amend the motions by Balboa and FHLMC under Rule 12(b)(6) to dismiss Plaintiff's claims  
27 against these defendants under California Civil Code § 2954.

28          17.       Against Plaintiff and in favor of FHMLC in accordance with the Court's July 11,

1 2014 order (Dkt. 138) granting without leave to amend the motion by FHLMC under Rule  
2 12(b)(6) to dismiss Plaintiff's claims against FHLMC for fraud, negligent misrepresentation and  
3 conspiracy.

4 18. Against Plaintiff and in favor of BANA in accordance with the Court's May 21,  
5 2014 order (Dkt. 132) granting without leave to amend the motion by BANA under Rule 12(b)(6)  
6 to dismiss Plaintiff's claims against BANA for negligent misrepresentation and conspiracy.

7 19. Against Plaintiff and in favor of Balboa and FHLMC in accordance with the  
8 Court's May 21, 2014 order (Dkt. 132) and July 11, 2014 order (Dkt. 138) granting without leave  
9 to amend the motion by Balboa and FHLMC under Rule 12(b)(6) to dismiss Plaintiff's claims  
10 against these defendants for breach of contract.

11 20. Against Plaintiff and in favor of Defendants in accordance with the Court's May  
12 21, 2014 order (Dkt. 132) and July 11, 2014 order (Dkt. 138) granting without leave to amend the  
13 motion by Defendants under Rule 12(b)(6) to dismiss Plaintiff's claims against Defendants for  
14 declaratory relief.

15 21. Against Plaintiff and in favor of Balboa and FHLMC in accordance with the  
16 Court's May 21, 2014 order (Dkt. 132) and July 11, 2014 order (Dkt. 138) granting without leave  
17 to amend the motion by Balboa and FHLMC under Rule 12(b)(6) to dismiss Plaintiff's claims  
18 against these defendants for breach of the implied covenant of good faith and fair dealing.

19 22. Against Plaintiff and in favor of Defendants in accordance with the Court's May  
20 21, 2014 order (Dkt. 132) and July 11, 2014 order (Dkt. 138) granting without leave to amend the  
21 motion by Defendants under Rule 12(b)(6) to dismiss Plaintiff's claims against Defendants for  
22 negligence.

23 23. Against Plaintiff and in favor of Defendants in accordance with the Court's May  
24 21, 2014 order (Dkt. 132) and July 11, 2014 order (Dkt. 138) granting without leave to amend the  
25 motion by Defendants under Rule 12(b)(6) to dismiss Plaintiff's claims against Defendants for  
26 intentional infliction of emotional distress.

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24. Against Plaintiff and in favor of Defendants in accordance with the Court's May 21, 2014 order (Dkt. 132) and July 11, 2014 order (Dkt. 138) granting without leave to amend the motion by Defendants under Rule 12(b)(6) to dismiss Plaintiff's claims against Defendants under the Racketeer Influenced and Corrupt Organizations Act.

IT IS SO ORDERED

Dated: 6/1/2016

/s/ John A. Mendez  
UNITED STATES DISTRICT COURT JUDGE

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Local Rule 137 Certificate

I, Leslie M. Werlin, declare:

1. I am with the law firm of McGuireWoods, LLP counsel for defendants Bank of America, N.A., Balboa Insurance Company and Federal Home Loan Mortgage Corporation in this action.

2. On May 24, 2016, I sent an email to Michael Yesk, Esq., counsel for Plaintiff in this matter (“Mr. Yesk”), with a copy of the proposed amended judgment sent forth above. A true copy of that email showing the date and time of transmission is attached hereto as Exhibit “A”. The email address used for Mr. Yesk is the same email I have used for prior email communications to Mr. Yesk’s office. As of the end of the day on May 31, 2016 I had heard nothing from Mr. Yesk regarding the attachment to my May 24, 2016.

I declare under penalty of perjury that the foregoing is true and correct: June 1, 2016 at Los Angeles, California.

/s/Leslie M. Werlin  
Leslie M. Werlin