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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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GABRIEL DICK and DEBORAH JILL  
DICK,

Plaintiffs,

v.

AMERICAN HOME MORTGAGE  
SERVICING, INC.; TOWN AND  
COUNTRY TITLE SERVICES;  
AMERIQUEST MORTGAGE, CO.;  
DEUTSCHE BANK NATIONAL TRUST;  
AMERIQUEST MORTGAGE  
SECURITIES, INC.; CITI  
RESIDENTIAL LENDING, as  
attorney in fact for  
Ameriquest Home Mortgage  
Securities, Inc.; POWER  
DEFAULT SERVICES; and DOES 1-  
50, inclusive,

Defendants.

CIV. NO. 2:13-00201 WBS CKD

NINTH CIR. NO. 14-15203

ORDER

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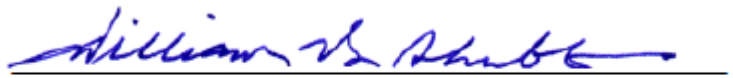
Plaintiffs Gabriel and Jill Dick initiated this suit  
against defendants alleging three causes of action for wrongful  
foreclosure of their home, fraud, and cancellation of

1 instruments. (Second Am. Compl. ("SAC") (Docket No. 41).) On  
2 January 14, 2014, this court dismissed plaintiffs' SAC with  
3 prejudice, (Jan. 14, 2014 Order (Docket No. 72)), and plaintiffs  
4 appealed, (Docket No. 74). The Ninth Circuit remanded the case  
5 for reconsideration in light of the California Supreme Court's  
6 decision in Yvanova v. New Century Mortgage Corp., 62 Cal. 4th  
7 919 (2016). (Docket No. 79.)

8 In light of Yvanova,<sup>1</sup> this court hereby VACATES its  
9 dismissal of plaintiffs' wrongful foreclosure and cancellation of  
10 instruments claims. The court does not amend or vacate its  
11 dismissal of plaintiffs' fraud claim. The Clerk of this court  
12 shall forward a copy of this Order to the Clerk of the United  
13 States Court of Appeals for the Ninth Circuit.

14 IT IS SO ORDERED.

15 Dated: May 26, 2016

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17 **WILLIAM B. SHUBB**  
18 **UNITED STATES DISTRICT JUDGE**

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<sup>1</sup> See also Sciarratta v. United States Bank Nat'l Ass'n,  
26 No. D069439, 2016 WL 2941194, at \*1 (4th Dist. May 18, 2016)  
27 (applying Yvanova and concluding "that a homeowner who has been  
28 foreclosed on by one with no right to do so--by those facts  
alone--sustains prejudice or harm sufficient to constitute a  
cause of action for wrongful foreclosure").