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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DENNL Y R. BECKER,

Plaintiff,

v.

BANK OF NEW YORK MELLON AS
TRUSTEE FOR THE BELLAVISTA
MORTGAGE TRUST 2004-2 &
NATIONSTAR MORTGAGE LLC,

Defendants.

No. 2:15-cv-2240-MCE-KJN PS

ORDER

On May 11, 2016, the magistrate judge filed findings and recommendations (ECF No. 24), which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen (14) days. On May 25, 2016, plaintiff filed objections to the findings and recommendations (ECF No. 25), and on June 7, 2016, defendants filed a reply to plaintiff’s objections (ECF No. 26), all of which have been considered by the Court.

This Court reviews de novo those portions of the proposed findings of fact to which an objection has been made. 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981); see also Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009). As to any portion of the proposed findings of fact to which no objection

1 has been made, the Court assumes its correctness and decides the matter on the applicable law.
2 See Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's
3 conclusions of law are reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d
4 452, 454 (9th Cir. 1983).


5 The Court has reviewed the applicable legal standards and, good cause appearing,
6 concludes that it is appropriate to adopt the findings and recommendations in full. Accordingly,
7 IT IS HEREBY ORDERED that:

- 8 1. The findings and recommendations (ECF No. 24) are ADOPTED in full.
- 9 2. Defendants' motion to dismiss (ECF No. 19) is GRANTED IN PART and DENIED IN
10 PART.
- 11 3. Plaintiffs' claims for violation of California Civil Code section 2924.17, wrongful
12 foreclosure, fraud, negligent misrepresentation, trespass, invasion of privacy, negligent recording
13 of false documents, negligence, negligent infliction of emotional distress, financial elder abuse,
14 and violation of California Business and Professions Code section 17200 are DISMISSED WITH
15 PREJUDICE.

16 4. Within 28 days of this order, plaintiff shall file a second amended complaint, limited to
17 15 pages, stating only a claim for violation of California Civil Code section 2943 against
18 defendants BNY and Nationstar.¹

19 IT IS SO ORDERED.

20 Dated: July 12, 2016

21 
22 MORRISON C. ENGLAND, JR.
23 UNITED STATES DISTRICT JUDGE
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27 ¹ Plaintiff is hereby cautioned that inclusion in the second amended complaint of any claims not
28 expressly authorized by this order will result in such claims being summarily stricken and the
potential imposition of sanctions.