

1 THEODORE E. BACON (CA Bar No. 115395)
 tbacon@AlvaradoSmith.com
 2 RICK D. NAVARRETTE (CA Bar No. 122653)
 rnavarrette@AlvaradoSmith.com
 3 AMY L. MORSE (CA Bar No. 92135)
 amorse@AlvaradoSmith.com
 4 PATRICIO A. MARQUEZ (CA Bar No. 230694)
 pmarquez@AlvaradoSmith.com
 5 ALVARADOSMITH
 A Professional Corporation
 6 633 W. Fifth Street, Suite 1100
 Los Angeles, CA 90071
 7 Tel: (213) 229-2400
 Fax: (213) 229-2499

8 Attorneys for Defendants
 9 JPMORGAN CHASE BANK, N.A.,
 CALIFORNIA RECONVEYANCE
 10 COMPANY and BANK OF AMERICA,
 NATIONAL ASSOCIATION, as successor by
 11 merger to LaSalle Bank NA as trustee for
 WaMu Mortgage Pass-Through Certificates
 12 Series 2006-AR9 Trust

13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**

16 KATY SULLIVAN, also known as KATY
 MARIE SULLIVAN,

17 Plaintiff,

18 v.

19 WASHINGTON MUTUAL BANK, FA, JP
 20 MORGAN CHASE BANK, National
 Association, BANK OF AMERICA, National
 21 Association, CALIFORNIA RECONVEYANCE
 COMPANY; and DOES 1 through 50, inclusive,

22 Defendants.
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CASE NO.: CV 09-2161 EMC

JUDGE: Hon. Edward M. Chen

**UPDATED JOINT CASE MANAGEMENT
 STATEMENT ; ORDER RESETTNG CMC**

DATE: March 9, 2011

TIME: 2:30 p.m.

CRTRM: C

Action Filed: April 22, 2009

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1 **TO THE CLERK OF THE ABOVE-ENTITLED COURT:**

2 Defendants JPMorgan Chase Bank, N.A. ("JPMorgan"), California Reconveyance Company
3 ("CRC") and Bank of America, National Association, as successor by merger to LaSalle Bank NA
4 as trustee for WaMu Mortgage Pass-Through Certificates Series 2006-AR9 Trust ("B of A")
5 (together, "Defendants"), along with plaintiff Katy Sullivan ("Plaintiff")(collectively the "Parties"),
6 hereby submit this Updated Joint Case Management Statement.

7 **1. Jurisdiction and Service**

8 Plaintiff has named the following as defendants: WASHINGTON MUTUAL BANK, FA,
9 JPMORGAN CHASE BANK, National Association, BANK OF AMERICA, National Association,
10 LASALLE BANK, National Association, CALIFORNIA RECONVEYANCE COMPANY; and
11 Does 1 through 50, inclusive.

12 This court has jurisdiction, because Plaintiff, in the initial complaint, alleges violations of the
13 Federal Truth in Lending Act ("TILA"). (See Second Amended Complaint.)

14 **2. Status of the Case and Changes Since Previous Joint Statement:**

15 Plaintiff seeks statutory damages under TILA, as well as general damages. Plaintiff also
16 seeks rescission under TILA. According to Plaintiff, Defendants failed to make certain disclosures
17 required under the TILA at the time the subject loan was issued to Plaintiff, and thereafter. Plaintiff
18 also contends that Defendants falsely represented the nature of the subject loan. Defendants deny
19 these allegations and contend that they did not participate in the origination process which is the
20 subject of Plaintiff's legal action.

21 **A. Motions:**

22 Defendants may bring a motion for summary judgment pursuant to FRCP 56.

23 **B. Discovery:**

24 The parties have exchanged limited written discovery, however such discovery is currently
25 stayed in order to attempt sale of one unit of the property's two condominium and thereafter resolve
26 the action. Discovery, as a result, is not pending as to do so would be to expand attorney's fees
27 hopefully unnecessarily.

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1 **C. Settlement and ADR:**

2 The parties have made efforts to mediate and settle the matter, and there is passive agreement
3 that the best avenue for potential settlement is to market one of the two existing, approved
4 condominium units at the property, both of which are approved, legal condominium units. Upon a
5 sale, the parties will embark on settlement negotiations in an attempt to resolve the remaining issues
6 in this litigation based, in part, on a partial pay-down of the outstanding subject bank loan from the
7 net sale proceeds of the unit.

8 Plaintiff reports in this Joint Statement that one unit of the property has been marketed for
9 sale, since soon after the most recent Case Management Conference. Plaintiff and one set of
10 prospective buyers were in negotiation for a purchase; since those buyers were the existing
11 occupants of that unit, they were believed to present the most promising potential buyer (they had
12 expressed interest in the unit prior to the parties' existing settlement posture herein). Unfortunately,
13 that sale negotiation fell through within the past week as a result of an inability to arrive at agreed
14 terms for the construction of a garage in the basement area of the building. The large financial
15 expenditure necessary to do so made the sale essentially unavailable. Plaintiff is continuing with her
16 marketing efforts, including an open house within the past week, together with a price reduction. A
17 showing of the house occurred on Sunday, February 28, and 11 parties came through the listed
18 condominium. Although no offers have yet resulted from that particular showing, simply the
19 number of interested parties is seen to be a positive indication.

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1 The parties have conferred regarding their desired processing of this litigation in view of the
2 above information. It is believed by both that a continued period for marketing of the property is in
3 the likely best interest of both sides and so jointly request the court to continue this case
4 management conference for a further 90 days to see what developments may be attainable in the sale
5 of the condominium unit. It is believed the economy is improving, albeit slowly, and that a further
6 90 days is a reasonable period of time to continue with sale efforts.

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8 Respectfully submitted,

9 DATED: March 2, 2011

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11 By: /s/ J. Brian McCauley
12 J. BRIAN MCCAULEY, ESQ..
13 Attorneys for Plaintiff,
14 KATY SULLIVAN

15 DATED: March 2, 2011

16 ALVARADO SMITH
17 A Professional Corporation

18 By: /s/ Patricio A. Marquez
19 PATRICIO A. MARQUEZ
20 Attorneys for Defendants
21 JPMORGAN CHASE BANK, N.A.,
22 CALIFORNIA RECONVEYANCE COMPANY
23 and BANK OF AMERICA, NATIONAL
24 ASSOCIATION, as successor by merger to
25 LaSalle Bank NA as trustee for WaMu Mortgage
26 Pass-Through Certificates Series 2006-AR9 Trust

27 IT IS SO ORDERED that the status conference set for 3/9/11 at 2:30 p.m. is reset for 6/15/11 at
28 2:30 p.m. An updated joint status report shall be filed by 6/8/11.

29 Edward M. Chen
30 U.S. Magistrate Judge
31 Dated: 3/2/11

