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UNITED STATES DISTRICT COURT  
Northern District of California

JOSE DON REYNOSO,  
Plaintiff,  
v.  
CHASE HOME FINANCE,  
Defendant.

No. C 09-02190 MEJ  
**ORDER RE SUPPLEMENTAL  
BRIEFING ON FRAUD CLAIM**

The Court held oral argument in this matter on October 29, 2009. During the hearing, the Court addressed Defendant’s Motion to Dismiss as to Plaintiff’s fraud claim. Under Federal Rule of Civil Procedure 9(b), a plaintiff must plead the circumstances constituting fraud with particularity. These circumstances include the “time, place, and specific content of the false representations as well as the identities of the parties to the misrepresentations.” *Swartz v. KPMG LLP*, 476 F.3d 756, 764 (9th Cir.2007) (quoting *Edwards v. Marin Park, Inc.*, 356 F.3d 1058, 1066 (9th Cir.2004)). Because Plaintiff’s First Amended Complaint does not set forth allegations in support of his fraud claim with the required specificity, Plaintiff’s fraud claim does not comply with Rule 9(b). At the hearing, Plaintiff indicated that he would be able to supplement his allegations to provide the necessary facts in support of his fraud claim.

Accordingly, the Court **GRANTS** Plaintiff leave to file a supplemental brief setting forth additional facts in support of his fraud claim. Any material or argument beyond the supplemental allegations regarding fraud will be stricken. Plaintiff shall file and serve his supplemental brief by **December 3, 2009.**


UNITED STATES DISTRICT COURT  
For the Northern District of California

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Defendant will thereafter have until **December 10, 2009** to file a supplemental response.  
Following the close of briefing on this issue, the Court will issue its ruling on Defendant's  
pending Motion to Dismiss.

**IT IS SO ORDERED.**

Dated: October 29, 2009

  
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Maria-Elena James  
Chief United States Magistrate Judge