

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANNABELLA BRITTAIN,)	
)	
Plaintiff,)	No. C-09-2953 SC
)	
v.)	
)	ORDER RE: MOTION TO
INDYMAC BANK, FSB, a business)	<u>DISMISS</u>
entity form unknown; AMERICAN)	
RESIDENTIAL, a business entity;)	
QUALITY LOAN SERVICE CORP., a)	
business entity form unknown; and)	
DOES 1 through 25, inclusive,)	
)	
Defendants.)	
)	
_____)	

On July 29, 2009, Defendant Onewest Bank, FSB ("Defendant") filed a Motion to Dismiss.¹ Docket No. 8 ("Motion"). Plaintiff Annabella Brittain ("Plaintiff") filed an Opposition and Defendant submitted a Reply. Docket Nos. 12, 13.

Defendant failed to file and submit to the Court copies of the Deed of Trust, Substitution of Trustee, Notice of Default, and Notice of Trustee's Sale, despite relying on these documents in the Memorandum of Points and Authorities in Support of the Motion. See Docket No. 10 ("Mem. of P. & A. in Supp. of Mot. to Dismiss") at 2-3. Defendant has three (3) days to file a request for the

¹ Defendant is successor in interest to certain assets and liabilities of Indymac Bank, FSB.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Court to take judicial notice of these documents, along with copies of the documents. The Court will consider the matter to be submitted at that time, and no further submissions will be considered when ruling on the Motion. The hearing on the Motion scheduled for September 11, 2009, is VACATED. There will be no oral arguments and no appearances.

IT IS SO ORDERED.

September 8, 2009



UNITED STATES DISTRICT JUDGE