

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NELIDA CONTRERAS,
Plaintiff,

No. C 09-03176 WHA

v.

JP MORGAN CHASE FKA WASHINGTON
MUTUAL BANK, WASHINGTON MUTUAL
BANK, NOEMI NUNEZ, WAMU EMPLOYEE
NO. 2, GARCIA MARKETING, LLC, HENRY
GARCIA, FEDERAL DEPOSIT INSURANCE
CORPORATION, a corporation, RECEIVER
FOR WASHINGTON MUTUAL BANK,
Defendants.

**ORDER RE DEFENDANT
JPMORGAN CHASE BANK
N.A.'S MOTION TO
VACATE ACCEPTANCE OF
OFFER OF JUDGMENT**

On May 19, 2010, plaintiff filed an acceptance of defendant JPMorgan Chase Bank N.A.'s Rule 68 offer of judgment in this matter. On May 20, 2010, defendant JPMorgan Chase filed a notice asserting that the acceptance was invalid because the Rule 68 offer had already been revoked based on inadvertence, mistake, and fraud. In particular, defendant JPMorgan Chase asserts that it had informed plaintiff that the offer was contingent on plaintiff's dismissal of defendants David Ristedt and Noemi Nunez in both this lawsuit and a nearly identical lawsuit in California state court.

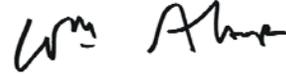
In light of the dispute regarding the validity of plaintiff's acceptance of the Rule 68 offer of judgment, the meet-and-confer and discovery hearing previously scheduled for May 21, 2010,

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shall remain on calendar. A briefing schedule on a hearing on defendant JPMorgan Chase's motion to vacate acceptance of the offer of judgment shall be set at the May 21 hearing.

IT IS SO ORDERED.

Dated: May 20, 2010.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE